For Reference
Not to be taken from this room

TOWN OF WAYLAND

WARRANT

With Report of the Finance Committee

2004 ANNUAL TOWN MEETING

Thursday, April 29, 2004 7:45 P.M.
Wayland High School Field House

2004 SPECIAL TOWN MEETING

Wednesday, May 5, 2004 8:00 P.M.
Wayland High School Field House

ANNUAL TOWN ELECTION

Tuesday, April 27, 2004

Precincts 1 and 4	Town Building Gymnasium
Precincts 2 and 3	Wayland Middle School Gymnasium

VOTING HOURS: 7:00 A.M. to 8:00 P.M.

www.wayland.ma.us

NOTICE

The Town of Wayland does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Wayland does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 (ADA).

Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to Wayland's designated ADA Compliance Coordinator.

Name:	John Senchyshyn
Title:	Human Resources Director/Assistant Executive Secretary
Office Address:	41 Cochituate Road, Wayland MA 01778
Phone Number:	(508) 358-3623
Fax Number:	(508) 358-3627
TDD:	(508) 358-0194 or 911
Days/Hours Available:	Tuesday-Friday, 8:00 a.m. to 4:00 p.m. Monday, 8:00 a.m. to 7:00 p.m.

Individuals who need auxiliary aids for effective communication in programs and services of Wayland are invited to make their needs and preferences known to the ADA Compliance Coordinator. A minimum of fourteen days' notice is required.

This notice is available in large print and on audio tape from the ADA Compliance Coordinator.

ERRATA: The estimated cost amounts were inadvertently omitted from the following articles prior to the printing of this Warrant:

Annual Town Meeting:	Article 41 Acquisition of U.S. Property at Oxbow Road -	$200,000
	Article 42 Town Acquisition of Former Nike Base Land -	$250,000
Special Town Meeting:	Article 5 Acquisition of Nike Site For Passive Recreation -	$250,000
	Article 6 Conservation Easement Assignment on Nike Site -	$25,000

TOWN OF WAYLAND

2004 ANNUAL AND SPECIAL TOWN MEETING WARRANT

With Report of the Finance Committee

TABLE OF CONTENTS

About Town Meeting 1
Report of the Finance Committee (Including Tables and Five-Year Capital Plan) ... 3
Notice: Election and Annual Town Meeting 17
Notice: Special Town Meeting 98
Warrant Article Process 109

ANNUAL TOWN MEETING ARTICLES

1 Recognize Citizens and Employees for Extensive Service to the Town 18
2 Hear Reports 18
3 Choose Town Officers 18
4 Current Year Transfers 18
5 FY 2005 Omnibus Budget 20
6 Water Department Maintenance Budget 35
7 Wastewater Management District Commission Budget 36
8 Wayland/Sudbury Septage Facility Budget 37
9 Compensation for Elected Officials 40
10 Pay Previous Fiscal Year Bills 40
11 Create Town Administrator Position 41
12 Accept Law Increasing Real Estate Tax Exemption Amounts 49

ANNUAL TOWN MEETING ARTICLES

13 Personnel By-Laws and Wage and Classification Study 49
14 Revolving Fund for Council on Aging 51
15 Amendments to Off-street Parking and Loading Requirements in Zoning By-Laws 51
16 Amend Article 5 of the Zoning By-Laws re: Off-Street Parking 55
17 Delete Watershed Protection District from Zoning By-Laws 55
18 Delete Cochituate Interim Planning Overlay District from Zoning By-Laws 56
19 Amend Zoning Map and Overlay Zoning District Maps 57
20 Amend Article 4 of Zoning By-Laws re: Nonconforming Structures and Uses 59
21 Amend for Clarity, Sections 505, 702.1 and 901.1.2.1 of the Zoning By-Laws 60
22 Amend Zoning By-Laws re: Aquifer Protection District 61
23 Amend Zoning By-Laws re: Earth Removal 66
24 Fund the Rewriting of the Zoning By-Laws 68
25 Acquire Gilberts' Property, Lots A and B off Bracket Road 68
26 Removal of Overhead Wires 69
27 Authority to Construct Wayland Veterans Memorial 71
28 Fund Improvements to Public Memorials and Monuments 72
29 Final Appropriation for the Public Safety Building Construction Project ... 73
30 Amend General By-Laws Chapter 91-3B, Animals 75
31 Petition Massachusetts Legislature to Enact Special Act re: Filed Sub-Bid Law Exemption for School Building Projects 76
32 Delineation of the Loker Conservation/Recreation Area 77
33 Amend Chapter 36 of Current By-Laws 78
34 Amend Chapter 36 of Current By-Laws (36-1) 81
35 Amend Chapter 36 of Current By-Laws (36-2) 83
36 Amend Chapter 36 of Current By-Laws (36-17) 84
37 Amend Chapter 58 of Current By-Laws (58-5) 85
38 Codify Establishment of Local Historic Districts By-Law 87
39 Current Debt in Every Annual Report 88
40 Reporting Change of Assessed Valuations of Real Property to Owners 90
41 Acquisition of U.S. Property at Oxbow Road 92
42 Town Acquisition of Former Nike Base Land 94
43 Administrative Fees for the Community Preservation Committee 96
44 Sell or Trade Vehicles and Equipment 96
45 Accept Gifts of Land 97
46 Authorize Treasurer to Borrow 97

SPECIAL TOWN MEETING ARTICLES

1	Acquire Former Nike Site Land on Oxbow Road	98
2	Fund Acquisition Costs for Part of Nike Site for Affordable Housing	100
3	Partial Funding for Nike Site Clean Up	100
4	Set Aside Community Preservation Funds for Future Open Space Acquisition	101
5	Acquisition of Nike Site for Passive Recreation	101
6	Conservation Easement Assignment on Nike Site	102
7	Accept Law Re: Transfer of Retirees to Medicare Extension Plan	103
8	Reprint The Puritan Village Evolves	103
9	Inter-Local Municipal Cooperation Agreement	104
10	Relocate Drainage Easement at 49 Forty Acres Drive	104
11	Amend Town Code Section 36-3C, Submission of Warrant Articles	105
12	Establish a New By-Law Requiring Prompt Removal of Utility Poles	106
13	Amend By-Law re: False Alarms	106
14	Connection of Public Library to the Town Sewer System	107
15	Length of Contract and Indemnification of Treatment Plant Operator	107
16	Petition Legislature to Enact Special Act for Safe Placement of Newborns and Infants	108

APPENDICES

Appendix A.	The Moderator's Rules and Regulations Governing Wayland's Town Meetings	117
Appendix B.	An Act Relative to the Position of Town Administrator of the Town of Wayland	124
Appendix C.	Personnel By-Laws & Wage and Classification Plan	125
Appendix D.	Planning Board Reports for 2004 Annual Town Meeting	134
Appendix E.	Veterans' Memorial Design	155
Appendix F.	Map of Public Memorial and Monuments	156
Appendix G.	Wayland Town Code §91-3B	157
Appendix H.	M.G.L. Chapter 149 Section 44F	159
Appendix I.	Map of Loker Conservation/Recreation Area	160
Appendix J.	Wayland Town Code §36	161
Appendix K.	Wayland Town Code §58	162
Appendix L.	Map of Wayland Historic Districts	163
Appendix M.	Wayland Town Code §53-1	163
Appendix N.	Wayland Town Code §19-8	164
Appendix O.	Map of Nike Site	165
Appendix P.	M.G.L. Chapter 32B Section 18	166
Appendix Q.	M.G.L. Chapter 40 Section 4A	167
Appendix R.	Map, Drainage Easement at 49 Forty Acres Drive	168
Appendix S.	Wayland Town Code §83-2A	169
Appendix T.	Nike Site Conservation Easement Trail	170
Appendix U.	Town Administrator Information	175
	"Your Family Disaster Plan"	185

ADJOURNED MEETINGS

It is anticipated that if adjourned meetings are necessary to complete action on these warrants, they will be held on the following dates, subject to Town Meeting approval:

May 3 - Monday
May 5 - Wednesday
May 6 - Thursday

and thereafter, as may be necessary, on Mondays, Wednesdays, and Thursdays as Town Meeting directs.

If you have any questions about the Articles, please attend **the Warrant Hearing on Thursday, April 15, 2004, at 7:30 P.M.** at the Town Building. You may also call the Executive Secretary's office at (508) 358-3621 before Town Meeting.

NOTICE REGARDING MOTIONS

This warrant for Wayland Town Meeting is issued by the Board of Selectmen and is served upon all residents by mail and by posting at the Town Building, the Wayland Public Library, the Cochituate Fire Station or the Cochituate Post Office, and at Happy Hollow School. It contains the agenda of subjects to be acted upon; i.e., the articles.

By state law, no action at the Town meeting is valid unless the subject matter is contained in the warrant. This requirement means only that the subjects to be acted upon must be sufficiently stated in the warrant to apprise voters of the nature of the matters with which the meeting is authorized to deal. It does not require that the warrant contain an accurate forecast of the precise action that the meeting will take upon those subjects. A valid motion at Town meeting may differ from the underlying article, but it must be within the scope of that article.

If you are in doubt about the action Town meeting might take under an article, you should plan to attend the Town meeting.

NOTICES

The **Wastewater Management District Commission** will hold a hearing on April 29, 2004, at 7:00 p.m. at the Wayland High School Field House. The hearing is being held pursuant to the requirements of Chapter 461 of the Acts of 1996, Section 7(f). The hearing will present information relative to the capital budget and program. There will also be a meeting immediately afterward pursuant to the requirements of Section 7(a) of said Chapter 461. The second hearing will present information relative to fees, rates and charges.

TOWN MEETING PROCEDURES

Town Meeting functions best when all voters are familiar with its rules of procedure. A summary of those rules appears in the document, "The Moderator's Rules and Regulations Governing Wayland's Town Meetings" prepared by the Moderator and included as part of this warrant booklet (Appendix A).

QUANTUM OF VOTE

The quantum of vote is specified in the warrant for each article.

For those articles involving appropriations which are anticipated to be provided by taxation or from available funds or transferred funds previously appropriated for another purpose, a majority quantum of vote is indicated. For articles which are anticipated to be funded by borrowing, a two-thirds quantum of vote is indicated.

Certain articles request the action of Town Meeting under its general legislative powers (i.e., to hear and accept reports, to appoint a committee, to adopt a resolution or "sense of the meeting" vote, etc.), and in such cases no particular statute is referenced. Town Counsel has advised that, as a matter of common law precedent in Massachusetts, such matters are decided by a majority vote.

NO SMOKING NOTICE

Voters are reminded that there is no smoking permitted on school grounds.

REPORT OF THE FINANCE COMMITTEE

To the Residents of Wayland:

The Finance Committee members are pleased to present the Report of the Finance Committee including the 2005 operating and capital budget recommendations. Wayland, like other communities in the Commonwealth, continues to face numerous economic challenges, primarily the reduction in state funding, higher health care costs and lower new growth. Whereas many of these communities have resorted to drastic measures to balance budgets, Wayland continues to demonstrate strong fiscal management with the 2005 budget representing the lowest percentage increase in over 10 years. The Fall 2003 override of $850,000 (discussed below) coupled with the continued tight management of expenses results in a balanced fiscal 2005 budget, with no diminishment of services and educational programs

This report will describe the Finance Committee's role as defined in the Code of the Town of Wayland as well as our mission statement and financial strategy. Additionally, this report details the budget process, reviews expenses and revenues for the upcoming fiscal year 2005 (FY05) and presents a 5-year capital plan. The report concludes with a discussion of Wayland's financial trends and the resulting impact on future budgets.

THE COMMITTEE

The Wayland Finance Committee is comprised of seven residents who are appointed by the Board of Selectmen. The members' three year terms are staggered which has allowed for a mix of new and more experienced members. Meetings are normally convened on Monday evenings and prior notice is posted on the Town Building bulletin board. Our meetings are open to the public and include a public comment period. Residents wishing to offer public comment or to observe are welcome.

ROLE

The Code of the Town of Wayland charges the Finance Committee with two primary responsibilities. The Committee is required to prepare and present the Omnibus Budget (the Town's operating and capital budget), which appears as an article in the Annual Town Meeting Warrant. The Committee is also responsible for review and comment on articles submitted for inclusion in the Warrant.

MISSION STATEMENT

The mission of the Wayland Finance Committee is to define a financial strategy for the Town and to use this strategy as the basis for recommending to the Town a fiscally responsible operating and capital-spending plan. The Finance Committee seeks to balance the demand for services against the ability of residents with a broad range of financial situations to afford these services.

FINANCIAL STRATEGY

The Finance Committee's strategy is to recommend the following: 1) maintenance of high quality Town services supplied by an efficient workforce, 2) continued infrastructure investment via a capital spending plan, and 3) preservation of Free Cash. Our policy is to maintain Free Cash at a level that is sufficient to cover a worst-case current year transfer and to balance the budget for at least one year following an unsuccessful budget override initiative.

BUDGET PROCESS

Work on the proposed budget for FY05 began in the summer of 2004. The process started earlier this year than in past years due to unforeseen additional reductions in state funding for fiscal 2004. These further reductions, resulting in lower state funding than included in the 2004 budget, impacted our expectations for the level of free cash and our ability to balance the budget in 2005. After reviewing various budget scenarios based on probable revenue and expense levels, a three part program was implemented which included: 1) the implementation in fiscal 2004 of certain expense reductions and increases in fees; 2) investigation into a number of longer term cost saving initiatives to help future budgets; and 3) the recommendation that the town approve an override of $850,000, which was approved by the voters in the Fall 2003 Special Election.

Following the Fall Override, the Finance Committee began the 2005 budget process and began meeting with departments, committees and commissions whose expenditures make up the bulk of Town expenses. These meetings are meant to inform the Finance Committee of specific personnel and monetary requirements, as well as to provide a general discussion and update of the respective department or board activities.

After reviewing various budget scenarios based on probable revenue and expense changes anticipated in the upcoming fiscal year, the committee issued in November 2003 budget guidelines for FY05. These guidelines essentially allowed for previously contractual wage adjustments, increases in personnel related costs, and level funding in all other expense categories. In addition, expense reductions and fee increases implemented for fiscal 2004 were continued into 2005. A public hearing was held November 17, 2003, to discuss the budget guidelines and the revenue expectations for the next fiscal year. All Town and School budgets were due on December 15, 2003. In December and early 2004, the committee met with Boards, departments, and commissions to discuss specific budget requests. In addition to the normal budget request, the Finance Committee due to concern with the economic uncertainty and concern for further state aid cuts, requested that each budget be submitted with a supplemental budget that would provide the department's, committee's or commission's recommendation of what actions it would take if a 5% reduction were to be implemented.

In January, a compilation of revenue and expense estimates for FY05 was prepared based on the inputs from the departments, committees and commissions. As a result of the efforts by these various groups, the preliminary budget essentially met the FINCOM guidelines.

The FINCOM also considered the 5% expense reductions, which were supplied during the budget process. With approximately 70% of the budget represented by salaries and related costs, many of the recommendations required reductions in staff. After considering the financial situation and favorable prospects for the future relative to state funding and new growth, the FINCOM concluded that the current financial situation does not require the implementation of these reductions, which would have included reduced levels of services throughout the town, including reductions in education and protection. After consultation with the Selectmen, School Committee and a number of other Boards and Commissions, the FINCOM concluded that it would recommend the budget as presented. However, it was agreed that the town would continue investigating longer term cost savings through the cost savings initiatives, of which some favorable impact related to health care costs, as discussed below, has been realized in the fiscal 2005 budget.

A draft budget was presented at a public hearing on February 23, 2004. Subsequently, the FINCOM unanimously approved the budget that appears in this warrant.

FY05 OMNIBUS BUDGET

The Omnibus Budget lists various Town operating expenses, unclassified expenditures such as employee health insurance, and debt and interest. The budget also includes requests for capital expenditures.

OPERATING EXPENSES

The FY05 Omnibus Budget article proposes operating expenses of $46,515,770, representing an increase of $1,337,108 or 2.9% from fiscal 2004. The FINCOM believes this increase is very modest reflecting prudent expense management yet continues to provide a consistent level of services to the residents. The increase does include previously contractual salary increase and increases in health care costs. Provision has been made in the budget for salary increases; however, all Town and School employee union contracts are up for negotiation for fiscal 2005. To date none of these contracts have been settled and to the extent these contracts settle for amounts higher than anticipated, it could have an impact on the overall budget. In addition, employee benefit costs, primarily heath insurance costs, continue to rise resulting in an expected increase of approximately $600,000 in 2005, which is approximately an 18% increase. Health care costs are primarily impacted by two variables: 1) the overall cost of providing health care; and 2) the impact of additional employees opting for Town sponsored health care coverage, which also includes the impact of employee retirements. Typically both the retired employee and their replacement end up being covered by Town health care programs. In addition, in this challenging economy the Town has experience an increase in employees and spouses opting for Town coverage where in the past these employees may have been covered by a spouse's program. One of the longer term cost reduction initiatives are health care costs. As a result of this initiative adjustments to this program have been proposed that is expected to result in a lower growth in this expense than initially anticipated.

Table 1 details department budgets for 2005 and increases from 2004.

DEPARTMENTAL INCREASES

	BUDGET 2004	BUDGET 2005	INCREASE / (DECREASE)	% INC
GENERAL GOVERNMENT	$2,340,465	$2,350,288	$9,823	0.4%
PROTECTION	$4,577,102	$4,600,602	$23,500	0.5%
HEALTH	$612,412	$565,196	-$47,216	-7.7%
HIGHWAY	$1,169,933	$1,171,933	$2,000	0.2%
LANDFILL	$459,986	$460,548	$562	0.1%
VETERAN'S BENEFITS	$7,693	$7,693	$0	0.0%
SCHOOLS	$25,462,202	$25,909,202	$447,000	1.8%
REGIONAL VOCATIONAL SCHOOLS	$188,049	$158,049	-$30,000	-16.0%
YOUTH SERVICES	$137,629	$137,629	$0	0.0%
LIBRARIES	$830,696	$841,406	$10,710	1.3%
PARK AND RECREATION	$822,160	$856,931	$34,771	4.2%
FEE SUPPORTED PROGRAMS	$550,000	$550,000	$0	0.0%
UNCLASSIFIED	$4,186,998	$5,057,256	$870,258	20.8%
DEBT AND INTEREST	$3,833,337	$3,849,037	$15,700	0.4%
TOTAL	$45,178,662	$46,515,770	$1,337,108	2.9%

The top ten line item increases are shown in table 2.

Department	Description	Line Item #	FY 04 Appropriated	FY05 Requested	Variance	% Change
Town Building	Utilities	16	$101,500	$119,029	$17,529	17%
Fire	Salaries	18	$1,635,662	$1,654,405	$18,743	1%
Joint Comm	Bldg utilities	47	$51,000	$128,000	$77,000	151%
Board of Health	Salaries	1	$188,623	$399,033	$210,410	112%
Schools	Total Schools	1	$25,462,202	$25,909,202	$447,000	2%
Park & Rec	Tree Trimming backlog	12	$0	$30,000	$30,000	
Unclassified	Insurance General	1	$275,000	$330,000	$55,000	20%
Unclassified	Insurance 32B	2	$3,247,463	$3,846,056	$598,593	18%
Unclassified	Medicare contribution	14	$230,000	$350,000	$120,000	52%
Unclassified	Res for salary settlements	15	$50,000	$120,000	$70,000	140%

Other than overall impact of wage and health care increases as discussed above, several items from the operating budget are worthy of note.

General Government: The total budget for General Government increased by less than $4,000 or just .15%. Many of the cost savings initiated in fiscal 2004, including the reduction in the salaries for the dog officer and computer outreach technician, are reflected in the 2005 budget. These and other reductions offset salary increases and the increase for utility expense in the Town Building budget required for higher utility rates.

Total Protection: The total budget for this category increased by $24,000, or .5%. The largest increases are: 1) $77,000 for utilities for the Public Safety building. This is required to reflect the expected utility cost for the first full year in the new, larger building and to include utility rate increases; and 2) $9,000 for electric pole replacement in the fire department budget. This is a new expense in 2005; the Town is required to remove alarm wires off telephone poles scheduled to be replaced by Verizon.

Board of Health: The Contract between Parmenter Health Care and the BOH, which covers community and school nursing, expires at the end of fiscal 2004. As a result, the Town through the Board of Health will hire the nurses to provide the same level of services that presently exist. Because of this change, salary cost in the Health Budget and Insurance (32B) in the Unclassified Budget has increased, offset by the decrease in the Community Nursing Care expense, which in 2004 included the cost of the Parmenter contract.

Board of Health Landfill: Leachate collection (line #2) has been increased by $10,000 due to higher cost of disposal.

School: The School budget increase of $447,000 includes approximately $194,000 for personnel costs, and $253,000 for non-personnel costs for textbooks, classroom supplies and other materials.

Unclassified: Insurance General (line #1) is estimated to increase by $55,000, representing the additional cost to provide liability, property and other insurance to the Town. Employee health insurance costs (line # 2 "Insurance 32B") will increase by approximately $599,000 or about 18%. Health care cost increases were discussed earlier in this report. Medicare contribution (line #13), which represents the Town's payroll contribution to medicare, has been increased by $120,000 in the

operating budget. Part of this increase is due to the higher percentage of employees who are now covered by medicare. Many employees with seniority did not participate in medicare. However, as these employees retire their replacement are covered by medicare, requiring the town to contribute. Part of this increase also relates to a miscalculation of the expense for inclusion in the FY04 budget. The combination of these factors also required a current year transfer as included in the Current Year Transfer Article. Reserve for salary settlement (line 15) increased by $70,000, primarily to cover the cost of the upcoming union negotiations. Also included in this line item is an estimate for additional salary for a Town Administrator versus the Executive Secretary position, if such position is approved at Town Meeting.

NONBUDGET EXPENSES

The Town is responsible for funding State and County assessments ($632,000), real estate abatements ($300,000) and Town employee retirement pensions ($1,750,000). The Finance Committee estimates that these non-budget charges will total $2,682,000. This represents a reduction of approximately $248,000 from fiscal 2004. Increases of $150,000 in the town's contribution to the County Retirement system were offset by expenses incurred in 2004 for a court judgment and additional health care costs that did not recur in 2005. The Town participates in the Middlesex County Retirement System, which is a collective of approximately 30 municipalities, for all Town employees other than Teachers, who are covered by a State Retirement Program. As reported in last year's report, changes in actuarial assumptions to reflect lower investment returns resulted in higher contributions. It is expected that this higher contribution will continue in future years.

The Omnibus Budget expenses plus the nonbudget expenses total $49,198,479.

CAPITAL REQUESTS

Capital requests for FY05 total $1,939,700. The list appears on the final page of the Omnibus Budget under the title "Capital Budget." The FINCOM's capital recommendations were based on two overriding guidelines: 1) to ensure no diminishment of services and quality of education; and 2) to ensure that the annual debt and interest cost on monies borrowed to acquire capital would be at approximately the same cost as the retiring debt and interest.

Capital expenditure requests are generally for building repairs ($1,209,500); replacement or refurbishment of equipment ($459,400), and needed investment to sustain the Town and School's technology investment ($270,800). The largest of these expenditures is $1,000,000 for a new roof on the Claypit Hill Elementary School. Although, not an immediate crisis, it has been determined that a new roof is required and that temporary repairs would not be sufficient to correct the problem.

FY05 REVENUES

General Fund revenues are estimated to provide $46,660,013 in FY05. Table 3 depicts the sources of revenue.

Table 3: Revenue Sources

Description	Projected FY04	Projected FY05	Difference	% change
State Revenues	$4,169,684	$4,172,917	$3,233	0.08%
Local Receipts	3,954,500	4,396,000	441,500	11.16%
Real Estate Taxes:				
Tax Levy	33,154,399	35,215,994	2,061,595	6.22%
Allowance for 2.5%	828,860	880,399	51,539	6.22%
Debt Exclusion	1,861,951	1,594,703	-267,248	-14.35%
New Tax Levy Growth	379,138	400,000	20,862	5.50%
Override	850,000	0	-850,000	-100.00%
Total Real Estate taxes	37,074,348	38,091,096	1,016,748	2.74%
Total revenues before misc receipts and free cash	$ 45,198,532	$ 46,660,013	$ 1,461,481	3.23%

As shown in Table 3, revenue in 2005 before use of free cash and miscellaneous receipts is expected to increase by approximately $1,461,481 or 3.23%. Most of this increase comes from property taxes, including the 2.5% allowable increase, and local receipts.

The vast majority of Town revenue is raised through property taxes (tax levy). Residential property taxes total approximately 95% of the tax levy. Commercial, industrial and personal property taxes represent the remaining 5% of the tax levy. Additionally, State Aid to affluent towns such as Wayland is only a small percentage of monies collected by the Commonwealth from Wayland citizens and businesses.

Miscellaneous receipts such as ambulance fees and using funds from the sale of real estate contributes $669,463. This leaves a shortfall between revenues and expenses of $1,869,000. Drawing on town surplus funds, also known as Free Cash, will reduce this shortfall to balance the budget.

FREE CASH

Table 4 depicts the $1,869,000 of Free Cash allocated to close FY05's budget deficit. This is an improvement of over $500,000 from fiscal 2004.

Table 4: Free Cash Allocated To Annual Revenue

Fiscal Year	Free cash
FY 2001	$1,263,500
FY 2002	$1,750,000
FY 2003	$1,550,000
FY 2004	$2,400,000
FY 2005	$1,869,000

While the FY05 budget requires free cash to balance the budget, the free cash balance at June 30, 2004 (after the amount required for FY05 budget) is expected to be $1.8 million. Although a reduction of $1.0 million from the June 30, 2003 balance, the FINCOM believes this balance is adequate to meet Moody's bond rating requirements and is sufficient to cover unforeseen expenses.

5-YEAR CAPITAL PLAN

Capital spending is part of the overall financial plan for the Town of Wayland that the Finance Committee prepares each year as specified by the Code of the Town of Wayland. Capital needs fall into four categories: equipment, buildings, land and roads. The accompanying five year capital plan in this warrant is the starting point for capital expenditures to be considered in future years. Capital requests are summarized by Department, Board or Commission. The Finance Committee unanimously recommends approval of the FY05 capital budget. Capital items for FY06 and later years have not been formally presented by departments nor approved by the Finance Committee.

Two large capital outlays in future years that have not been included in the 5-Year capital plan include possible additions or renovations at the Library and High School. Prior year's warrant and the Fall Special Town Meeting included monies to fund feasibility studies on the merits and requirements of these projects. If these potential projects proceed past the feasibility phase to construction, debt exemption overrides will be necessary.

FINANCIAL TRENDS

Over the past few years, the Town finances have been severely challenged by reductions in state funding and declines in new growth. However, the use of free cash, built up during the period of strong economic growth, has been prudently used to soften the revenue shortfalls in FY03 and FY04. Even with the use of free cash, unforeseen additional reduction in state funding required the $850,000 override in fall 2003. Although the State's 2005 budget has not been finalized, it is anticipated that state funding will stabilize and the Town could expect level funding with 2004. Even with level state funding, managing town finances will continue to require prudent fiscal management. Free cash is at an acceptable level, however not at a level to significantly offset budget shortfalls. Also, as stated earlier, all Town and School contracts are being negotiated. If contracts settle for amounts greater than anticipated, this could put a significant strain on 2005 and beyond. Under the leadership of the Selectmen, the Town is investigating a number of longer-term cost savings initiatives. As stated earlier, this initiative has resulted in modification to Town's health and benefit insurance programs, resulting in considerable savings over expected increases. We are hopeful that these efforts and others will allow for savings without diminishing the level of services expected by the residents.

The tax rate for FY05 is expected to increase to $13.35 from $13.13, an increase of 1.67%. This is below the 2.5% allowable limit due to reduction in exempted funded debt payments. The FY05 tax rate increase is in line with the five-year average.

Wayland's property values continue to increase significantly with the average assessed value increasing to $555,400 after the last town-wide revaluation in 2002. A strong school system, semi-rural character and the proximity to Boston and the beltways are all given as factors that make Wayland highly desirable.

Once again, Wayland is one of the few towns in the Commonwealth of Massachusetts that earned an Aaa bond rating in 2003 from Moody's Investors Service. This rating, Moody's highest, reflects the Town's strong financial operating results, management, policies and underlying demographic and

economic factors. This rating allows the Town to sell bonds with lower interest rates, thereby reducing interest expense.

Finally, in recognition of the tax burden on our elderly population, Wayland has supported a number of initiatives that reduce this financial strain for those on fixed income. This year, the senior tax work off program funding is being increased to accommodate growing elderly interest. Wayland in the past was one of only a few towns in the Commonwealth that is matching the state credit for qualifying seniors. This year, Wayland has increase this match so that a Wayland senior who receives $810 from the state because of the so-called Circuit Breaker legislation will also receive a $1,000 exemption on their real estate taxes. Seniors who qualify are also exempt from the CPA levy.

CONCLUSIONS

The Finance Committee voted 7-0 to recommend the FY05 operating and capital budget. By most statistical measures, our town and school departments are more frugal than many of our suburban neighbors. As a result, even in these difficult economic times, including reductions in State funding (which assumptions have been discussed above), the FY05 budget can be achieved without an override and continues to provide a consistent level of services and quality of education expected by the residents.

The Finance Committee extends thanks and appreciation to the Town's employees, municipal department heads and the School Superintendent for their contributions to the financial health of Wayland.

Thanks are also extended to the Town's Financial Director, Bob Hilliard, for his expert guidance. Mr. Hilliard announced his retirement for the end of the calendar year after more than 25 years of service to the Town. On behalf of the current and past members of the various boards and committees that Bob has worked with, and on behalf of the residents of the Town, we express our total appreciation for his dedication and expertise that has resulted in the ongoing recognition of Wayland as one of the best financially managed towns in the Commonwealth.

Wayland faces a challenging financial period in FY05 and FY06, but we are optimistic that we will be able to balance the demand for services against the ability of residents with a broad range of financial situations to afford these services.

Bob Lentz, Chair

G. Christopher Riley, Vice Chair	Karl A. Geiger
Charles D'Ambrosio	Cherry Karlson
Rod Fletcher	Lisa C. Schimmel

TOWN OF WAYLAND CAPITAL PLANNING REPORT

Capital by Department	2005	2006	2007	2008	2009	5 year Total
SELECTMEN						
Town Building Roof Repairs	$87,500	$87,500				$175,000
Selectman Subtotal	$87,500	$87,500	$0			$175,000
FIRE STATION 2 REPAIRS						
Vehicle Exhaust system	$28,000					$28,000
Generator	$9,500					$9,500
Fire Station 2 Subtotal	$37,500					$37,500
DATA PROCESSING						
Technology upgrades	$22,300	$100,000				$122,300
Data Processing Subtotal	$22,300	$100,000	$0	$0	$0	$122,300
ASSESSORS						
Assessors software	$40,000					$40,000
TOWN CLERK						
Ugrade voting system		$40,000				$40,000
INSPECTION DEPARTMENT						
Vehicle		$30,000				$30,000
Inspection Subtotal	$0	$30,000	$0	$0	$0	$30,000
CONSERVATION COMMISSION *						
Carriage shed repairs				$20,000		$20,000
Conservation Subtotal	$0	$0	$0	$20,000		$20,000
POLICE DEPARTMENT						
Police car replacements	$92,129	$100,000	$100,000	$100,000	$100,000	$492,129
Police Subtotal	$92,129	$100,000	$100,000	$100,000	$100,000	$492,129
FIRE DEPARTMENT						
Ambulance Replacement	$150,000					$150,000
Car 1 replacement	$30,000					$30,000
Fire alarm truck	$70,000					$70,000
Engine 4 replacement		$350,000				$350,000
Breathing apparatus			$80,000			$80,000
Car 2 replacement			$50,000			$50,000
Fire Subtotal	$250,000	$350,000	$130,000	$0	$0	$730,000
HIGHWAY DEPARTMENT						
G.V.W. 15000 dump truck	$53,000					$53,000
5 yrd 15kgvw Dump Truck		$54,000				$54,000
3 Yard front end loader		$165,000				$165,000
Sidewalk machine with attatchments			$87,000			$87,000
'heel 10 ton dump truck/attatchments			$145,000			$145,000
Backhoe loader with attachments				$130,000		$130,000
5 yrd 15kgvw dump truck					$54,000	$54,000
Multi purpose truck w/plow					$95,000	$95,000
Highway Subtotal	$53,000	$219,000	$232,000	$130,000	$149,000	$783,000

CAPITAL PLANNING REPORT – PAGE TWO

Capital by Department	2005	2006	2007	2008	2009	5 year Total
BOARD OF HEALTH: LANDFILL						
Refurbish compactor units	$12,000					$12,000
Purchase storage containers		$6,000	$6,000	$6,000	$6,000	$24,000
Landfill Subtotal	$12,000	$6,000	$6,000	$6,000	$6,000	$36,000
LIBRARY						
Computer equipment	$8,500	$17,500	$10,000	$10,000	$10,000	$56,000
Interior painting		$25,000				$25,000
Roof repair		$5,000				$5,000
Septage hookup		$60,000				$60,000
Library subtotal	$8,500	$107,500	$10,000	$10,000	$10,000	$146,000
PARK & RECREATION						
Five ton dump truck with plow	$90,000					$90,000
Compact mower	$11,000					$11,000
Half ton pickup			$30,000			$30,000
Back hoe Loader			$80,000			$80,000
3 ton dump truck					$65,000	$65,000
John Deere grounds tractor					$55,000	$55,000
Truck					$50,000	$50,000
Gang mower 16 ft		$85,000				$85,000
One ton dump truck		$55,000				$55,000
Pool repairs	$22,000					$22,000
Park & Rec. Subtotal	$123,000	$140,000	$110,000	$0	$170,000	$543,000
SCHOOL DEPARTMENT						
Claypit Hill roof	$1,000,000					$1,000,000
Technology	$200,000	$300,000	$300,000	$300,000	$300,000	$1,400,000
Building repairs	$100,000	$115,000	$755,000	$705,000	$55,000	$1,730,000
Copier		$45,000	$35,000	$35,000	$55,000	$170,000
Containers						$0
Furniture		$35,000	$15,000	$15,000	$15,000	$80,000
Equipment		$30,000	$17,000	$17,000	$17,000	$81,000
Vehicles		$60,000				$60,000
School Subtotal	$1,300,000	$585,000	$1,122,000	$1,072,000	$442,000	$4,521,000
Department Totals	$2,025,929	$1,765,000	$1,710,000	$1,338,000	$877,000	$7,715,929

(1) Conservation Master Plan identifies numerous parcels of land that are candidates for acquisition when they become available. It is uncertain when that will be but when and if they do, money is needed for the acquisition.

(2) The School Department and the Library Department did not include funds for either the High School Renovation/Replacement, or the Library Addition, as both are in initial planning stages. When Town funded studies for both projects are complete, the costs will be available to the Town at that time and before any approval action is taken by the Town at either the Town elections or Town meetings.

CAPITAL PLANNING REPORT – PAGE THREE

Capital by Department	2005	2006	2007	2008	2009	5 year Total
Separate Funds						
WATER DEPARTMENT						
Draper road/Hazelbrook	$1,010,000					$1,010,000
Baldwin Pond treatment plant		$200,000		$2,000,000		$2,200,000
Pinebrook-boston post to old conn					$350,000	$350,000
Boston post road to pinebrook			$647,000			$647,000
Water conservation project		$75,000	$75,000	$75,000	$75,000	$300,000
Filtration Plant			$75,000			$75,000
Water Subtotal	$1,010,000	$275,000	$797,000	$2,075,000	$425,000	$4,582,000
TOTAL APPROVED CAPITAL BUDGET	$3,035,929					

Summary of Departments	2005	2006	2007	2008	2009	5 yr total
Selectmen	$87,500	$87,500	$0	$0	$0	$175,000
Fire Station 2	$37,500	$0	$0	$0		$37,500
Data Processing	$22,300	$100,000	$0	$0	$0	$122,300
Assessors	$40,000	$0	$0	$0	$0	$40,000
Town clerk	$0	$40,000	$0	$0	$0	$40,000
Inspection Department	$0	$30,000	$0	$0	$0	$30,000
Conservation Commission	$0	$0		$20,000	$0	$20,000
Police Department	$92,129	$100,000	$100,000	$100,000	$100,000	$492,129
Fire Department	$250,000	$350,000	$130,000	$0		$730,000
Highway Department	$53,000	$219,000	$232,000	$130,000	$149,000	$783,000
Landfill	$12,000	$6,000	$6,000	$6,000	$6,000	$36,000
Library	$8,500	$107,500	$10,000	$10,000	$10,000	$146,000
Park & Recreation	$123,000	$140,000	$110,000	$0	$170,000	$543,000
School Department	$1,300,000	$585,000	$1,122,000	$1,072,000	$442,000	$4,521,000
Total of Departments	$2,025,929	$1,765,000	$1,710,000	$1,338,000	$877,000	$7,715,929

Non-Departmental						
Water Department	$1,010,000	$275,000	$797,000	$2,075,000	$425,000	$4,582,000
	$1,010,000	$275,000	$797,000	$2,075,000	$425,000	$4,582,000

TABLE NO.1

INCOME AND EXPENSE STATEMENT	FISCAL 2000	FISCAL 2001	FISCAL 2002	FISCAL 2003	FISCAL 2004	FISCAL 2005
BUDGET	$34,200,692	$37,589,288	$40,530,924	$43,120,624	$45,178,662	$46,515,770
ARTICLES AND WATER BUDGET	$17,175,471	$6,889,422	$5,495,797	$2,910,990	$4,859,389	$5,682,458
TOTAL TOWN EXPENSE	$51,376,163	$44,478,710	$46,026,721	$46,031,614	$50,038,051	$52,198,228
NET CHERRY SHEET	-$2,282,092	-$2,829,994	-$3,116,800	-$2,965,182	-$1,917,809	-$1,815,208
OVERLAY EXPENSE	$306,210	$200,000	$300,000	$310,599	$300,000	$300,000
LOCAL RECEIPTS	-$2,830,500	-$3,235,441	-$3,572,147	-$3,523,353	-$3,977,500	-$4,396,000
OTHER SOURCES: FREE CASH, BORROWINGS, ETC.	-$17,875,871	-$8,166,351	-$7,431,219	-$4,695,174	-$7,387,392	-$7,986,461
TO BE RAISED BY TAXATION	$28,693,910	$30,446,924	$32,206,555	$35,158,504	$37,055,350	$38,091,096
ASSESSED VALUATION	$1,910,380,200	$1,949,226,960	$1,990,529,980	$2,807,819,902	$2,822,189,683	$2,852,654,267
TAX RATE	$15.02	$15.62	$16.18	$12.52	$13.13	$13.35

AVERAGE TAX BILL WILL INCREASE BY 1.67% IN fy 05,

TABLE NO.2

HISTORICAL BUDGET SUMMARY

FISCAL YEAR	SCHOOL	TOWN	TOTAL	INCREASE	%	FIXED COSTS*	OPERATING BUDGET
FY2005	$26,067,251	$20,448,519	$46,515,770	$1,337,108	2.9%	1.5%	1.4%
FY 2004	$25,650,251	$19,528,411	$45,178,662	$2,050,038	4.8%	1.1%	3.7%
FY 2003	$24,599,201	$18,521,423	$43,120,624	$2,739,700	6.8%	1.2%	5.6%
FY 2002	$22,937,619	$17,443,305	$40,380,924	$2,791,636	7.4%	1.5%	5.9%
FY 2001	$20,898,995	$16,690,293	$37,589,288	$3,408,838	10.0%	3.1%	6.5%
FY 2000	$19,131,126	$15,049,324	$34,180,450	$1,574,292	4.8%	-0.1%	4.9%
FY 1999	$18,437,289	$14,168,869	$32,606,158	$1,382,968	4.7%	-0.9%	5.6%
FY 1998	$17,390,014	$13,833,176	$31,223,190	$2,402,789	8.3%	1.1%	7.2%
FY 1997	$15,691,033	$13,129,368	$28,820,401	$1,530,250	5.6%	1.2%	4.4%
FY 1996	$14,712,621	$12,577,530	$27,290,151	$828,366	3.1%	-0.5%	3.6%

*INCLUDES:FUNDED DEBT, INTEREST, HEALTH INS., BUILDING INS. (PROP/LIAB)

TABLE NO. 3

TOWN REVENUES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
AUTO EXCISE	1,300,000	1,400,000	1,700,000	1,700,000	1,860,000	1,860,000
FEES, FINES, INTEREST	1,700,000	1,700,000	1,850,000	1,850,000	2,117,000	2,518,000
NET REC FROM STATE	3,162,592	3,575,000	4,272,000	4,495,068	3,518,000	3,565,000
TOTAL	6,162,592	6,675,000	7,822,000	8,045,068	7,495,000	7,943,000
RAISED FROM TAXES	28,693,891	30,446,925	32,206,555	34,963,122	37,055,350	38,091,096

TABLE NO. 4

PERCENT OF BUDGET BY DEPARTMENT						
DEPARTMENT	%2000	%2001	%2002	%2003	%2004	%2005
GENERAL GOVERNMENT	5.4%	5.5%	5.2%	5.2%	5.2%	5.0%
PROTECTION	11.0%	10.7%	10.1%	10.1%	10.2%	9.9%
HEALTH	1.3%	1.3%	1.2%	1.2%	1.4%	1.2%
HIGHWAY	3.0%	2.9%	2.7%	2.6%	2.6%	2.5%
LANDFILL	1.3%	1.0%	1.0%	1.0%	1.0%	1.0%
VETERANS' BENEFITS	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%
SCHOOLS	55.7%	55.5%	56.7%	56.8%	56.4%	55.7%
REG VOC SCHOOL	0.2%	0.5%	0.2%	0.2%	0.4%	0.4%
DIRECTOR YOUTH SERVICES	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%
LIBRARIES	1.8%	1.8%	1.8%	1.9%	1.8%	1.8%
PARK AND RECREATION	2.2%	2.0%	1.9%	1.9%	1.8%	1.8%
FEE SUPPORTED PROGRAMS	1.0%	1.0%	1.0%	1.3%	1.2%	1.2%
UNCLASSIFIED	7.2%	6.3%	7.8%	8.1%	9.2%	10.8%
DEBT AND INTEREST	9.5%	11.1%	10.0%	9.3%	8.4%	8.3%

TABLE NO. 5

DEPARTMENTAL INCREASES

	BUDGET FY 2004	BUDGET FY 2005	BUDGET INCREASE	% INCREASE
GENERAL GOVERNMENT	$2,340,465	$2,350,288	$9,823	0.4%
PROTECTION	$4,577,102	$4,600,602	$23,500	0.5%
HEALTH	$612,412	$565,196	-$47,216	-7.7%
HIGHWAY	$1,169,933	$1,171,933	$2,000	0.2%
LANDFILL	$459,986	$460,548	$562	0.1%
VETERAN'S BENEFITS	$7,693	$7,693	$0	0.0%
SCHOOLS	$25,462,202	$25,909,202	$447,000	1.8%
REGIONAL VOCATIONAL SCHOOLS	$188,049	$158,049	$30,000	16.0%
YOUTH SERVICES	$137,629	$137,629	$0	0.0%
LIBRARIES	$830,696	$841,406	$10,710	1.3%
PARK AND RECREATION	$822,160	$856,931	$34,771	4.2%
FEE SUPPORTED PROGRAMS	$550,000	$550,000	$0	0.0%
UNCLASSIFIED	$4,186,998	$5,057,256	$870,258	20.8%
DEBT AND INTEREST	$3,833,337	$3,849,037	$15,700	0.4%
TOTAL	$45,178,662	$46,515,770	$1,337,108	2.9%

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. *Town of Wayland*

★★★ WARRANT ★★★

To any of the Constables of the Town of Wayland, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Wayland who shall be qualified to vote in accordance with the provisions of Massachusetts General Laws, Chapter 51, Section 1, to come to their respective polling places (Precincts 1 and 4 in the Gymnasium of the Town Building and Precincts 2 and 3 in the Gymnasium of the Middle School) on:

TUESDAY, APRIL 27, 2004, BETWEEN 7:00 A.M. and 8:00 P.M.

to vote for the following Town officers by ballot for the following terms of office:

One Planning Board member, one Associate Planning Board member, and one Housing Authority member for five years;

One Town Clerk, one member of the Board of Selectmen, one School Committee member, one Assessor, two Road Commissioners, one Water Commissioner, one Board of Health member, one Trust Fund Commissioner, two Library Trustees, one Housing Authority member, and two Park and Recreation Commissioners for three years;

One Planning Board member for two years;

One Board of Health member and one Park and Recreation Commissioner for one year;

As well as such other Town Officers as may be necessary.

You are also required to notify all such residents of Wayland to meet in the High School Field House on

THURSDAY, APRIL 29, 2004, AT 7:45 P.M.

to act on the following Articles:

ARTICLE 1: RECOGNIZE CITIZENS AND EMPLOYEES FOR EXTENSIVE SERVICE TO THE TOWN

Proposed by: Board of Selectmen

To determine whether the Town will vote to recognize certain citizens and employees for their extensive service to the Town of Wayland.

FINANCE COMMITTEE COMMENTS: This is a standard article that allows recognition and commendation of certain citizens and employees.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Majority

ARTICLE 2: HEAR REPORTS

Proposed by: Board of Selectmen

To determine whether the Town will vote to receive and act upon reports of Town officers, agents, trustees, commissioners, boards and committees.

FINANCE COMMITTEE COMMENTS: This is a standard article that allows reports commissioned by the Town to be heard.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Majority

ARTICLE 3: CHOOSE TOWN OFFICERS

Proposed by: Board of Selectmen

To determine whether the Town will vote to choose Town officers, agents, trustees, councils, commissioners, boards, and committees not elected by official ballot.

FINANCE COMMITTEE COMMENTS: This is a standard article that permits the Town to fill various positions.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, section 1.

ARTICLE 4: CURRENT YEAR TRANSFERS

Proposed by: Finance Committee *Estimated Cost: $669,840*

To determine whether the Town will vote to appropriate a sum or sums of money for the operation and expenses of various Town departments for the current fiscal year; to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of

funds already appropriated for another purpose, by funds received as grants from the Commonwealth or federal government, by borrowing, or otherwise; and to determine which Town officer, board, or committee of combination of them, shall be authorized to expend the money or monies appropriated therefor.

	CURRENT YEAR TRANSFERS FY 2004	
1	TOWN COUNSEL	$25,000
2	SNOW REMOVAL	$89,967
3	LABOR OVERTIME	$44,273
4	INSURANCE 32B	$250,000
5	MEDICARE REIMBURSEMENT	$105,000
6	BLDG INSURANCE	$63,000
7	PUBLIC SAFETY BLDG UTILITIES	$32,600
8	PARK AND RECREATION TREES	$30,000
9	LSP DANFORTH FARMS	$30,000
	TOTAL CURRENT YEAR TRANSFERS	$669,840
	FUNDING SOURCES:	
	UNRESERVED FUND BALANCE	$639,840
	WATER RETAINED EARNINGS	$30,000
	TOTAL SOURCES	$669,840

FINANCE COMMITTEE COMMENTS: This article authorizes the expenditure of funds for the current fiscal year, which were not foreseen in the current budget. These transfers are required for the following reasons:

Town Counsel ($25,000): Additional legal expense primarily related to the Town's challenge of Framingham's Danforth development.

Snow removal ($89,967) and Labor overtime ($44,273): These requests cover snow removal overages for this fiscal year.

Insurance 32B ($250,000): These funds will cover a shortfall in the towns 32b account for health insurance for employees. The shortfall in the budget is due to three factors: 1) insurance rate increases, which are only estimated at the time the budget is finalized: 2) the impact of retirements. Generally, the retired employee and their replacements are covered by the Town's health insurance. And 3) Employee participation in the Town's health plan increased by over 10%. Generally, this is attributable to the effects of the economy with more employees opting for the town's program versus a spouse's program. The town is currently looking at alternate programs and implementing cost savings initiatives to bring this expense under control for fiscal year 05.

Medicare reimbursement ($105,000): This covers the Town's share of the 2.9% Medicare payment, which is required for all employees hired after 1992. This item was underestimated at budget time last year, partially in error and partially due to the unforeseen turnover and retirement of Town and School employees where employees hired prior to 1992 don't require Medicare contributions being replaced with new employees,

which do require Medicare Contributions.

Building Insurance ($63,000): This reflects a shortfall in the 2004 budget, as rates from the insurance carrier were not available at the time the budget was finalized. The Town has experienced higher rates plus the cost of insuring the new public safety building and the expanded middle school.

Public Safety Building Utilities ($32,600): The additional costs are due to higher than anticipated heating and electrical costs for the new public safety building. In addition utility rates have increased since the current year's budget was completed.

Park and Recreation – Tree trimming and removal ($30,000): The Park and Recreation Department has estimated a backlog of $66,000 of tree removal, which they classify as high priority. Part of this increase is due an increase in the number of dead trees, which is partially attributable to the effects of the drought of 4 to 5 years ago. And part is due to the higher cost to hire contractors and police details to remove these trees. This additional funding only takes care of part of the backlog. An additional funding has been included in the 2005 budget.

LSP Consultant for Danforth Farms ($30,000): These funds, requested by the water department, will allow the Town to study the affects of the Danforth proposed development on the Town's water supply.

RECOMMENDATION: Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

ARTICLE 5: FY2005 OMNIBUS BUDGET

Proposed by: Finance Committee

To determine what sum of money the Town will appropriate for the operation and expenses of the Town, including capital expenditures for equipment, improvements, or other purposes; and determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS:

ARGUMENTS IN FAVOR: This budget reflects the cost of operating the Town in an efficient manner in order to deliver services to the residents of Wayland.

ARGUMENTS OPPOSED: Some residents might consider the budget excessive, while other residents might believe that insufficient funds have been budgeted to perform all desired services.

RECOMMENDATION: Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

MOTION UNDER ARTICLE 5:

For what it considers to be the proper management of the Town and its finances, the Finance Committee makes the following recommendations, and they are, therefore, incorporated under the motion to be made under Article 5 at the Annual Town Meeting, as follows:

"That the Executive Secretary, or if a Town Administrator is appointed, the Town Administrator, be charged with responsibility for (1) the operation, maintenance, and administration of the Wayland Town Building, the Public Safety Building, and the Cochituate Town Building, their equipment, and their grounds, as well as (2) the supervision, except for matters relating to policy, of all employees in those buildings, other than elected officials, non-salaried appointed officials, and employees of the School Department;

"That the appropriation under Conservation Commission for 'Conservation Fund' be maintained as a fund against future purchases and not be expended without future vote of the Finance Committee and Board of Selectmen;

"That the appropriation for 'Hydrant Rental' of $18,000 for the Water Department granted in the budget be transferred to 'Water Available Surplus';

"That the Office of the Town Clerk be continued on a salary basis and that all fees from whatever source derived be turned over to the Town as Town income;

"That property tax abatements granted to eligible senior citizens under Sections 80 and 81 of Chapter 127 of the Acts of 1999 be funded by transfer from the overlay account;

"That all fees, wages, or payments made to the Tree Warden, from whatever source, be turned over to the Town as Town income;

"That the Director of Youth and Adolescent Services and Staff be under the jurisdiction of the Youth Advisory Committee which shall report to the Town on the activities of the Director of Youth and Adolescent Services and Staff at the Annual Town Meeting. The Director of Youth and Adolescent Services and Staff will receive administrative support from the School Department."

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
	SELECTMEN			
1	SALARIES	$0	$0	$0
2	EXPENSE	$24,142	$23,038	$24,427
3	ENVIRONMENTAL AUDIT	$0	$10,000	$9,500
4	BEAUTIFICATION PROP	$8,358	$5,919	$5,000
	TOTAL SELECTMEN	$32,500	$38,957	$38,927
	EMERGENCY MANAGEMENT			
5	OPERATIONS	$0	$5,000	$5,000
6	TRAINING	$1,034	$2,000	$2,000
7	EMERGENCY MANAGEMENT CERT	$12,132	$16,000	$16,000
	TOTAL EMERGENCY MANAGEMENT	$13,166	$23,000	$23,000
	TOWN OFFICE			
	SALARIES:			
	EXECUTIVE SECRETARY	$89,871	$93,600	$93,600
	PERSONNEL DIRECTOR	$69,014	$67,423	$73,000
	FIN. DIR./TOWN ACCT.	$94,075	$97,838	$97,838
	OFFICE ADMIN	$40,481	$42,343	$43,684
	S. SCHEDULE	$39,236	$41,590	$40,805
	CLERICAL	$104,604	$111,325	$107,216
	OVERTIME/LONGEVITY/SICK LEAVE	$22,138	$15,000	$17,526
8	TOTAL SALARIES	$459,419	$469,119	$473,669
9	EXPENSE	$59,495	$54,500	$63,000
10	EQUIPMENT	$4,432	$3,650	$4,600
11	TELEPHONES	$38,142	$50,000	$40,000
12	CONTRACT SERVICES	$13,475	$16,000	$16,500
13	PERSONNEL BOARD EXPENSE	$0	$18,000	$10,000
14	PERSONNEL BOARD ADJUSTMENT FUND	$0	$6,750	$6,750
	TOTAL TOWN OFFICE	$574,963	$618,019	$614,519
	WAYLAND TOWN BUILDING			
15	SALARIES	$80,476	$84,615	$86,586
16	BUILDING UTILITIES	$110,820	$101,500	$119,029
17	EXPENSE	$29,564	$26,800	$26,800
18	WASTE WATER MANAGEMENT USER CHARGES	$0	$10,275	$10,775
	TOTAL TOWN BUILDING	$220,860	$223,190	$243,190
	COCHITUATE TOWN BUILDING			
19	EXPENSES	$17,000	$17,000	$17,000
	INFORMATION TECHNOLOGY			
	MANAGER	$65,952	$66,775	$66,775
	COMPUTER OUTREACH TECHNICIAN	$33,979	$32,776	$0
20	TOTAL SALARIES	$99,931	$99,551	$66,775

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
	EXPENSES			
21	FORMS, SUPPLIES	$18,720	$19,500	$20,575
22	EDUCATION/TRAVEL	$1,957	$2,500	$2,500
	EQUIPMENT			
23	RENTAL AND REPAIRS	$4,632	$11,000	$11,200
24	NEW APPLICATIONS/EQUIPMENT	$10,903	$7,000	$6,500
25	COMPUTER EQUIPMENT/UPDATE	$53,836	$0	$0
26	PROFESSIONAL SERVICES	$44,386	$37,400	$40,925
	TOTAL INFORMATION TECHNOLOGY	$234,365	$176,951	$148,475
	TREASURER/COLLECTOR			
	TREASURER/COLLECTOR SALARY	$73,908	$72,784	$72,784
	CLERICAL SALARY	$101,872	$102,099	$102,099
	TREASURER CERTIFICATION	$0	$1,000	$1,000
27	TOTAL SALARIES	$175,780	$175,883	$175,883
	EXPENSES:			
28	OPERATING EXPENSE	$3,238	$6,959	$6,959
29	TAX TITLE EXPENSE	$530	$2,580	$2,980
30	EXCISE TAX PROGRAM	$0	$1,775	$1,775
31	BANKING SERVICES	$9,293	$16,500	$16,600
32	LOCK BOX SERVICES	$12,600	$14,500	$14,000
	TOTAL TREASURER/COLLECTOR	$201,441	$218,197	$218,197
	ASSESSORS			
33	SALARIES	$4,628	$4,600	$4,600
34	PROF/CLERICAL	$135,286	$145,284	$141,732
35	EXPENSE	$6,863	$7,290	$8,239
36	PROF SERVICES	$16,054	$21,400	$33,400
37	OTHER EXPENSE	$0	$1,000	$6,000
38	EQUIPMENT, MAINTENANCE, SOFTWARE	$5,709	$6,000	$0
39	SPEC BUDGET ITEM-PROPERTY REASSESSMENT	$71,008	$40,000	$40,000
	TOTAL ASSESSORS	$239,548	$225,574	$233,971
	FINANCE COMMITTEE	$0	$160	$160
	TOWN COUNSEL			
	PROFESSIONAL SERVICES			
	SPECIAL COUNSEL	$0	$38,300	$45,600
	PROFESSIONAL SERVICES	$0	$0	$0
	TOWN COUNSEL	$87,276	$80,000	$73,000
	ASSOC. TOWN COUNSEL	$70,635	$0	$0
	TOTAL PROFESSIONAL SERVICES	$157,911	$118,300	$118,600
	LEGAL EXPENSES	$5,477	$6,700	$6,400
40	TOTAL TOWN COUNSEL	$163,388	$125,000	$125,000

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
	REGISTRARS			
	SALARY	$675	$675	$675
	LISTING	$3,486	$3,650	$3,650
41	TOTAL REGISTRARS	$4,161	$4,325	$4,325
	TOWN CLERK			
42	TOWN CLERK SALARY	$57,646	$61,681	$61,681
43	TOWN CLERK ADDED COMPENSATION	$1,400	$400	$400
44	CLERICAL	$38,573	$38,562	$38,562
45	CODIFICATION BY LAWS	$3,851	$4,000	$4,000
46	EXPENSE	$2,579	$5,106	$5,100
47	TOWN CLERK CERTIFICATION	$0	$1,000	$1,000
	TOTAL TOWN CLERK	$104,049	$110,749	$110,743
	ELECTIONS			
	OFFICERS SALARIES	$10,347	$11,436	$11,436
	EXPENSE	$8,958	$7,575	$7,575
48	TOTAL ELECTIONS	$19,305	$19,011	$19,011
	PLANNING BOARD			
49	EXPENSE	$3,502	$6,000	$6,000
50	PLANNING ADMINISTRATOR SAL	$58,475	$59,521	$61,342
51	PLANNING ADMINISTRATIVE ASST.	$22,773	$25,911	$25,419
52	EQUIPMENT MAINTENANCE	$0	$250	$250
53	SPECIAL ITEMS	$545	$0	$0
	TOTAL PLANNING BOARD	$85,295	$91,682	$93,011
	TOWN SURVEYOR			
	TOWN SURVEYOR SAL	$65,952	$66,775	$66,775
	SURVEY/COMP SPEC SAL	$56,752	$57,716	$59,461
54	TOTAL SALARIES	$122,704	$124,491	$126,236
55	EXPENSE	$4,288	$4,500	$4,500
56	VEHICLE EXPENSE	$87	$400	$400
57	COMPUTER/COPIER MAINTENANCE.	$0	$5,500	$5,500
58	IMPLEMENTATION. ASST.	$3,774	$0	$0
59	GPS SYSTEM	$5,115	$0	$0
60	GIS SYSTEM UPDATE	$0	$4,500	$4,500
	TOTAL TOWN SURVEYOR	$135,968	$139,391	$141,136
	CONSERVATION			
61	EXPENSE	$8,308	$10,243	$9,000
62	PROFESSIONAL SERVICES/MISC	$3,795	$6,100	$6,100
63	SALARIES	$99,755	$104,586	$106,493
	TOTAL CONSERVATION	$111,858	$120,929	$121,593

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
	HISTORICAL COMMISSION			
64	EXPENSE	$571	$1,114	$1,114
	TOTAL HISTORICAL COMMISSION	$571	$1,114	$1,114
	SURFACE WATER QUALITY COMMISSION			
65	SURFACE WATER QUALITY	$0	$4,900	$4,900
	TOTAL SURFACE WATER QUALITY	$0	$4,900	$4,900
66	HISTORIC DISTRICT COMMISSION	$66	$275	$275
	COUNCIL ON AGING			
67	SALARIES	$106,110	$113,686	$117,472
68	OPERATING EXPENSE	$5,500	$5,500	$5,500
69	TAX WORK-OFF PROGRAM	$19,590	$20,000	$22,000
70	EQUIPMENT	$393	$900	$417
71	NEWSLETTER	$4,950	$4,405	$3,802
72	TRANSPORTATION	$35,042	$37,550	$42,550
	TOTAL COUNCIL ON AGING	$171,585	$182,041	$191,741
	TOTAL GENERAL GOVERNMENT	$2,330,089	$2,340,465	$2,350,288
	POLICE			
	SALARIES			
	POLICE CHIEF SALARY	$107,276	$91,474	$93,212
	LIEUTENANT SALARY	$79,524	$68,693	$68,693
	YOUTH OFFICER SALARY	$61,440	$0	$0
	SERGEANTS SALARY	$340,388	$339,227	$331,529
	DETECTIVES SALARY	$134,805	$0	$0
	SPECIALISTS	$0	$186,057	$186,057
	PATROLMEN SALARY	$732,171	$493,144	$454,521
	INTERNS SALARY	$7,792	$7,757	$7,757
	OVERTIME SALARY	$57,273	$135,300	$135,300
	HOLIDAY SALARY	$63,075	$77,377	$73,876
	SCHOOL TRAFFIC SUPERVISOR	$34,818	$38,934	$38,934
	COURT TIME	$9,359	$12,000	$12,000
	CLERK	$38,628	$40,898	$40,898
	TUITION REIMBURSEMENT	$1,447	$3,200	$1,600
	NIGHT DIFFERENTIAL	$0	$29,358	$29,098
	LONGEVITY	$0	$2,050	$1,750
	PRISONER WATCH	$0	$5,000	$5,000
	PROFESSIONAL STIPEND	$0	$21,234	$21,234
	ED. INCENTIVE	$0	$190,108	$187,970
1	TOTAL SALARIES	$1,667,996	$1,741,811	$1,689,429

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
	EXPENSE:			
2	OPERATING EXPENSE	$19,639	$18,070	$18,500
3	UNIFORM EXPENSE	$26,040	$21,825	$23,025
4	TRAINING EXPENSE	$43,248	$68,963	$68,963
5	SPECIAL SERVICES	$697	$5,100	$5,100
6	ANNUAL PHYSICALS	$4,042	$4,500	$4,500
7	OUT-OF-STATE TRAVEL	$0	$1,500	$1,500
8	PUBLIC SAFETY COMPUTER	$4,914	$0	$0
9	TRAFFIC CONTROL EXPENSE	$0	$25,000	$25,000
	EQUIPMENT			
10	POLICE CARS PURCHASE	$86,848	$92,129	$92,129
11	VEHICLE OPERATION EXPENSE	$22,096	$21,100	$21,100
12	NEW EQUIPMENT, MISS, OFFICE	$6,238	$3,100	$3,000
13	EQUIPMENT MAINTENANCE & REPAIR	$3,310	$7,400	$7,400
14	VEHICLE GASOLINE	$27,649	$29,700	$29,700
15	COMPUTER MAINTENANCE	$0	$9,500	$9,500
16	EQUIPMENT RENTAL	$0	$800	$800
17	RETIREMENT EXPENSE	$0	$11,848	$0
	TOTAL POLICE DEPT.	$1,912,717	$2,062,346	$1,999,646
	FIRE			
	SALARIES			
	CHIEF SALARY	$90,352	$82,077	$90,724
	DEPUTY CHIEF SALARY	$63,621	$61,726	$61,726
	CAPTAINS SALARY	$177,515	$167,355	$167,355
	LIEUTENANTS SALARY	$133,557	$199,359	$202,735
	FIREFIGHTERS SALARY	$776,343	$757,061	$755,460
	INCENTIVE & MET	$67,300	$44,785	$46,800
	OVERTIME	$137,779	$112,000	$112,000
	TRAINING OVERTIME	$0	$10,000	$10,000
	CALLBACK PAY	$26,249	$23,000	$23,000
	HOLIDAY PAY	$96,344	$93,977	$93,977
	CALLMEN HOURLY	$8,103	$12,000	$12,000
	CALLMEN ANNUALLY	$1,800	$4,400	$4,400
	CLERICAL PART TIME	$20,798	$0	$0
	FIRE PREVENTION-PART TIME	$6,000	$6,000	$6,000
	CALLBACK PAY: AMBULANCE	$36,985	$36,000	$36,000
	CLERICAL	$0	$25,922	$25,922
	POLE REPLACEMENT LABOR	$0	$0	$6,306
18	TOTAL SALARIES	$1,642,746	$1,635,662	$1,654,405
19	OPERATING EXPENSE	$9,263	$10,000	$10,000
20	AMBULANCE EXPENSE	$8,950	$11,000	$11,000
21	FIRE ALARM SYSTEM EXPENSE	$5,823	$8,000	$8,000
22	TRAINING AND EDUCATION	$9,935	$10,000	$10,000
23	UNIFORM EXPENSE	$20,909	$18,500	$18,500
24	PHYSICAL EXAMS	$3,864	$5,000	$5,000
25	POLE REPLACEMENT			$2,684

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
	EQUIPMENT			
26	MISC. EQUIPMENT & HOSE	$11,862	$13,000	$13,000
27	EQUIPMENT MAINTENANCE	$14,587	$15,000	$15,000
28	EQUIPMENT RENTAL	$697	$700	$700
29	VEHICLE GASOLINE	$11,360	$10,000	$10,000
30	COMPUTER MAINTENANCE	$3,974	$5,000	$5,000
	TOTAL FIRE DEPT.	$1,743,970	$1,741,862	$1,763,289
	INSPECTION/BUILDING			
	SALARIES			
	BLDG.& ZONING INSP. SAL	$68,691	$66,775	$67,075
	DEPUTY BLDG INSPECTOR	$48,339	$48,044	$48,344
	SUB INSPECTOR SALARY	$1,600	$0	$0
	WIRING INSPECTOR	$17,031	$22,846	$22,846
	OVERTIME	$0	$4,160	$4,160
	PLUMBING/GAS INSPECTOR	$22,213	$22,846	$22,846
	CLERICAL	$84,916	$77,209	$77,524
	DEPUTY PLUMBING/GAS	$0	$832	$882
	DEPUTY WIRING	$0	$832	$882
	SEALER OF WEIGHTS & MEAS., SALARY	$542	$832	$832
31	TOTAL SALARIES	$243,332	$244,376	$245,391
	EXPENSE:			
32	BUILDING & ZONING EXPENSE	$6,981	$7,500	$7,600
33	INSPECTORS EXPENSE	$3,600	$3,744	$4,000
34	ZONING BOARD EXPENSE	$2,704	$2,750	$2,850
	EQUIPMENT			
35	VEHICLE EXPENSE	$497	$1,500	$1,500
36	VEHICLE GASOLINE	$238	$800	$800
37	COPIER	$463	$500	$500
	TOTAL INSPECTION	$257,815	$261,170	$262,641
	DOG OFFICER:			
38	DOG OFFICER SALARY	$41,047	$40,874	$20,594
39	DOG OFFICER EXPENSE	$2,085	$3,000	$2,500
40	BOARD & VET FEES	$464	$2,920	$3,000
41	VEHICLE GASOLINE	$555	$700	$400
	TOTAL DOG OFFICER	$44,151	$47,494	$26,494
	JOINT COMMUNICATIONS			
42	DISPATCHERS SALARY	$368,959	$373,319	$372,321
43	OPERATING EXPENSE	$17,626	$18,711	$18,711
44	BLDG. EXPENSE, MAINT, REPAIR	$17,938	$12,600	$12,600
45	BLDG. EXP UTILITIES	$35,447	$51,000	$128,000
46	COMPUTER LICENSE	$3,140	$5,000	$5,000
47	UNIFORM ALLOWANCE	$1,600	$1,600	$1,600
48	BUILDING REPAIRS	$0	$0	$5,000

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
49	SPECIAL ITEMS: WASTE WATER MANAGEMENT FEES	$0	$2,000	$0
50	SERVICE CONTRACTS	$0	$0	$5,300
	TOTAL JOINT COMMUNICATIONS	$444,710	$464,230	$548,532
	TOTAL PROTECTION	$4,403,363	$4,577,102	$4,600,602
	BOARD OF HEALTH			
	SALARIES:			
	BOARD MEMBERS	$250	$250	$250
	ADMINISTRATIVE ASSISTANT	$38,326	$38,562	$38,562
	ADMINISTRATIVE ASSISTANT OT	$2,735	$2,542	$2,542
	ANIMAL INSPECTOR	$450	$450	$450
	HEALTH DIRECTOR	$74,778	$72,784	$72,784
	ANIMAL CONTROL OFFICER	$8,755	$9,000	$9,000
	HEALTH AGENT/ SANITARIAN	$48,653	$47,581	$49,788
	PART-TIME CLERICAL	$16,487	$17,454	$17,463
	SCHOOL NURSES (4)			$151,109
	HEAD NURSE (1)			$46,620
	SUBSTITUTE NURSES			$10,465
1	TOTAL SALARIES	$190,434	$188,623	$399,033
	EXPENSES:			
2	OFFICE EXPENSE	$6,278	$7,500	$7,500
3	SCHOOL NURSING SUPPLIES			$3,000
4	SCHOOL NURSING SUPPLIES/EQUIP			$1,000
5	SCHOOL NURSING TRAVEL			$500
6	SCHOOL NURSING PROFESSIONAL MEMBERSHIP			$1,250
7	IN STATE TRAVEL EXPENSE	$443	$1,000	$1,000
8	FRINGE BENEFITS	$1,028	$1,980	$1,980
	CONTRACT/PROF SERVICES:			
9	MENTAL HEALTH CLINICS	$47,400	$47,400	$47,400
10	COMMUNITY NURSING CARE	$239,939	$300,836	$0
11	PUBLIC HEALTH NURSING			$40,060
12	MOSQUITO CONTROL	$19,355	$19,909	$19,909
13	PROFESSIONAL SERVICES/MOSQ	$0	$14,364	$14,364
14	VEHICLE OPERATION/MAINT/PURCHASE	$775	$1,200	$1,200
	SPECIAL BUDGET ITEMS:			
15	WATER QUALITY TESTING	$1,444	$3,000	$3,000
16	HAZARDOUS WASTE MGT	$13,738	$15,000	$15,000
17	CONSULTING ENGINEER	$800	$2,000	$2,000
18	FOOD INSPECTOR	$5,770	$7,000	$7,000
19	VISION AND HEARING TESTING EQUIP.	$0	$2,600	$0
	TOTAL BOARD OF HEALTH	$527,404	$612,412	$565,196
	HIGHWAY			
	SALARIES:			
	DIRECTOR OF HIGHWAY	$61,775	$66,104	$66,581
	CLERKS' SALARIES	$73,062	$74,179	$74,179
	HIGHWAY LABOR SALARY	$495,576	$528,219	$528,219
	OVERTIME LABOR	$132,688	$40,000	$40,000
1	TOTAL SALARIES	$763,101	$708,502	$708,979

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
	MAINTENANCE:			
2	MAINTENANCE OF ROADS	$39,941	$40,000	$40,000
3	MAINTENANCE OF PRIVATE ROADS	$0	$2,630	$2,630
4	MAINTENANCE OF EQUIPMENT	$64,941	$65,000	$66,523
5	SNOW REMOVAL	$145,420	$51,000	$51,000
6	SNOW REMOVAL/PRIVATE WAYS	$21,728	$7,000	$7,000
7	UNIFORMS/OTHER FRINGE	$14,251	$17,000	$17,000
	CONTRACT/PROFESSIONAL SERVICES			
8	CONTRACT BASIN CLEANING	$22,000	$22,000	$22,000
9	ROAD RESURFACING	$328,534	$160,000	$160,000
	EQUIPMENT			
10	EQUIPMENT MISC.	$10,780	$11,000	$11,000
11	HIGHWAY FUEL	$34,745	$25,000	$25,000
	BUILDING MAINTENANCE:			
12	HIGHWAY GARAGE REPAIR	$11,803	$16,301	$16,301
13	WASTEWATER DISPOSAL	$5,500	$10,000	$10,000
14	HIGHWAY GARAGE UTILITIES	$31,479	$27,500	$27,500
15	OFFICE EXPENSE	$6,999	$7,000	$7,000
	TOTAL HIGHWAY	$1,501,222	$1,169,933	$1,171,933
	BOARD OF HEALTH-LANDFILL			
1	SALARIES:	$187,842	$211,124	$206,725
	EXPENSE:			
2	LEACHATE COLLECTION	$48,047	$40,000	$50,000
3	DISPOSAL OF WOOD	$27,696	$30,000	$30,000
4	FUEL	$12,651	$13,000	$13,000
	PROFESSIONAL SERVICES			
5	MISC. ENGINEERING	$33,470	$33,200	$33,200
	BUILDING:			
6	REPAIRS	$9,395	$9,500	$9,500
7	UTILITIES	$15,050	$15,000	$15,000
8	OTHER EXPENSE	$12,308	$13,500	$13,500
9	MAINTENANCE REPAIRS	$29,969	$29,600	$29,600
10	LEASE EQUIPMENT	$6,902	$6,012	$6,973
11	OTHER EXPENSE: COVER	$13,244	$14,650	$14,650
12	MISC. EQUIPMENT	$7,760	$8,400	$8,400
13	BANNED WASTE DISPOSAL	$24,238	$30,000	$30,000
14	SECURITY SYSTEM	$0	$6,000	$0
	TOTAL LANDFILL	$428,572	$459,986	$460,548
	VETERANS BENEFITS			
	VET BENEFIT APPROPRIATION	$339	$3,645	$3,645
	MISCELLANEOUS	$215	$215	$215
	SALARIES	$3,673	$3,833	$3,833
1	TOTAL VETERANS BENEFITS	$4,227	$7,693	$7,693

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
	SCHOOLS			
	REGULAR INSTRUCTION 1	$12,043,941	$13,459,670	$13,634,531
	SPECIAL INSTRUCTION 2	$4,218,438	$4,839,277	$4,931,016
	INSTRUCTIONAL SERVICES 3	$3,598,374	$3,978,526	$4,055,990
	OPERATIONS SERVICES 4	$2,277,976	$2,397,449	$2,501,673
	POLICY ADMIN. SERVICES. 5	$727,140	$780,655	$776,792
	OUT OF STATE TRAVEL 6	$3,248	$6,625	$9,200
1	TOTAL SCHOOLS	$22,869,117	$25,462,202	$25,909,202
2	REGIONAL VOCATIONAL SCHOOL	$86,999	$188,049	$158,049
	YOUTH SERVICES			
	DIRECTOR YOUTH SERVICES	$65,952	$66,775	$66,775
	ASSOC DIRECTOR YOUTH SER	$63,049	$62,258	$62,258
	CLERICAL	$0	$3,866	$3,866
1	TOTAL YOUTH SERVICES SAL	$129,001	$132,899	$132,899
2	EXPENSE	$4,472	$4,000	$3,980
3	AUTOMOBILE EXPENSE	$1,293	$380	$400
4	VEHICLE PURCHASE	$0	$0	$0
5	AUTOMOBILE REPAIR	$0	$350	$350
	TOTAL YOUTH SERVICES	$134,766	$137,629	$137,629
	LIBRARY			
	SALARIES			
	LIBRARY DIRECTOR	$73,115	$64,100	$66,023
	ADM ASSISTANT	$44,709	$47,503	$48,216
	CHILDREN'S LIBRARIAN	$39,283	$41,840	$43,095
	ASST. CHILDREN'S LIBRARIAN	$40,188	$42,962	$44,251
	LIBRARY ASSISTANTS	$104,641	$154,015	$158,635
	PAGES SALARY	$12,305	$12,630	$12,883
	CLERKS SALARY	$58,965	$32,525	$33,175
	CUSTODIAN SALARY	$32,905	$33,825	$33,825
	REFERENCE LIBRARIAN	$52,017	$55,418	$56,803
	ASSISTANT DIRECTOR	$48,276	$52,795	$51,289
	HEAD OF CIRCULATION	$46,305	$48,382	$48,382
	SATURDAY DIFFERENTIAL	$0	$1,700	$1,700
	EVEN DIFFERENTIAL	$0	$2,050	$2,050
	CHILDREN'S ROOM PART TIME	$0	$0	$0
	COMPUTER SPECIALIST/PART TIME	$12,544	$29,901	$28,429
1	TOTAL SALARIES	$565,253	$619,646	$628,756
2	OPERATING EXPENSE	$43,500	$43,000	$43,000
3	OUT OF STATE TRAVEL	$0	$550	$550
4	TUITION REIMBURSEMENT	$1,410	$2,500	$2,500
5	MATERIALS PURCHASE	$128,300	$133,000	$134,600
6	LIBRARY AUTOMATION	$29,972	$32,000	$32,000
	TOTAL LIBRARY	$768,435	$830,696	$841,406

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
	PARK & RECREATION			
	SALARIES:			
	SUPERINTENDENT	$75,083	$78,024	$78,074
	LABOR	$782,066	$303,965	$308,153
	CLERICAL REGULAR	$40,496	$38,529	$38,562
1	TOTAL SALARIES	$897,645	$420,518	$424,789
	EXPENSE:			
2	REPAIRS & MISC.	$45,335	$45,835	$45,835
3	LANDSCAPE, MATERIAL & SUPPLIES	$31,522	$31,527	$31,527
4	UNIFORM EXPENSE	$4,280	$4,280	$4,280
5	TREE PLANTING	$0	$1,500	$1,500
6	PLAYGROUND SUPPLY	$0	$0	$0
7	TRAVEL & DUES IN STATE	$455	$500	$500
8	TRAVEL OUT OF STATE	$423	$1,050	$1,050
	EQUIPMENT			
9	MISC SMALL EQUIPMENT	$0	$1,000	$1,000
10	REPAIR SUPPLY & EQUIP	$3,670	$4,500	$5,000
	BUILDING REPAIRS			
11	LIGHTING, ETC.	$3,650	$3,650	$3,650
	CONTRACT/PROF SERVICES			
12	TREE TRIMMING	$30,786	$30,800	$30,800
13	PUBLIC WORKS EXPENSE	$1,738	$2,000	$2,000
14	TREE TRIMMING BACKLOG	$0	$0	$30,000
15	DEV. CEMETERY LAND	$0	$0	$0
	TOTAL PARK & RECREATION	$1,019,504	$547,160	$581,931
16	FEE SUPPORTED PROGRAMS	-$30	$550,000	$550,000
	PARK/RECREATION: POOL OPERATION			
	SALARIES	$275,861	$150,000	$170,000
	UTILITIES	$0	$40,000	$40,000
	ADMIN MATERIALS, SUPPLIES	$0	$10,000	$9,000
	MAINTENANCE MATERIALS, SUPPLY	$149,065	$45,000	$45,000
	PROGRAMS	$0	$30,000	$11,000
17	TOTAL POOL OPERATION	$424,926	$275,000	$275,000
	UNCLASSIFIED			
1	INSURANCE GENERAL	$288,853	$275,000	$330,000
2	INSURANCE 32B	$2,899,885	$3,247,463	$3,846,056
3	UNEMPLOYMENT COMPENSATION	$25,790	$10,000	$25,000
4	STREET LIGHTING	$102,723	$103,000	$113,000
5	HYDRANT RENTAL	$18,000	$18,000	$18,000
6	TOWN MEETING WARRANT	$10,506	$16,000	$16,000
7	RESERVE FUND	$0	$201,000	$201,000
8	PUBLIC CEREMONIES	$1,835	$2,500	$2,500
9	SURETY BONDS	$0	$800	$1,200
10	TOWN CLOCKS	$150	$200	$200
11	NON CONTRIBUTORY PENSION	$10,961	$12,000	$12,000

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
12	PENSION DISABILITY ACCT	$10,000	$10,000	$10,000
13	OCCUPATIONAL HEALTH NURSE	$7,310	$6,400	$7,500
14	MEDICARE CONTRIBUTION	$230,000	$230,000	$350,000
15	RESERVE FOR SAL SETTLEMENT	$382	$50,000	$120,000
16	EMPLOYEE ASSISTANCE PROGRAM.	$0	$4,635	$4,800
	TOTAL UNCLASSIFIED	$3,606,395	$4,186,998	$5,057,256
	DEBT AND INTEREST			
	INTEREST			
1	BOND ANTICIPATION NOTES	$0	$10,000	$60,000
2	BOND ANTICIPATION NOTES EX	$5,271	$10,000	$10,000
3	MULTI PURP EX 91 HIGH SCHOOL	$124,212	$110,525	$96,125
4	MULTI PURP EXEMPT SCHOOL 1993	$104,812	$95,675	$86,322
5	LAND ACQUISITION EXEMPT	$109,270	$101,710	$93,970
6	MULTI PURPOSE 1996	$5,805	$3,915	$1,980
7	MULTI PURPOSE 1997	$32,542	$27,000	$19,874
8	MULTI PURPOSE EXEMPT 1997	$33,375	$26,282	$20,475
9	PUBLIC SAFETY BLDG. EXEMPT	$199,570	$188,695	$177,457
10	DECARLO LAND ACQUISITION	$844	$281	$0
11	DEPARTMENTAL EQUIPMENT	$11,813	$3,938	$0
12	FIELD HOUSE ROOF	$854	$716	$578
13	COMPUTERS	$4,500	$1,500	$0
14	TRAFFIC LIGHTS	$281	$94	$0
15	DEPARTMENT EQUIPMENT	$14,500	$9,750	$5,000
16	LAND ACQUISITION	$47,910	$42,210	$36,510
17	MODULAR CLASSROOMS/GYM	$39,925	$35,175	$30,425
18	POOL REMODEL	$13,458	$11,795	$10,132
19	STREET REMODEL	$10,261	$8,694	$7,126
20	SIDEWALK/BIKE	$3,138	$1,950	$1,000
21	TEMP BORROWING MIDDLE SCHOOL	$231,228	$214,440	$213,109
22	LAND ACQUISITION 2001	$68,564	$64,964	$61,364
23	DEPT EQUIPMENT 2001	$20,800	$15,600	$10,400
24	SCHOOL TECH 2001	$8,000	$6,000	$4,000
25	TOWN BLDG/FIRE REPAIRS	$5,415	$4,815	$4,215
26	SIDEWALK 2001	$1,800	$1,200	$800
27	LANDFILL 2001	$9,025	$8,025	$7,025
28	BUILDING REPAIR	$1,272	$0	$0
29	RADIO REHAB 2002	$885	$735	$560
30	COMPUTERS 2002	$475	$175	$0
31	TELEPHONES 2002	$406	$339	$260
32	COMPACTOR UNIT 2002	$1,663	$1,388	$1,067
33	CONTAINERS 2002	$443	$370	$284
34	ASPHALT REPAIR UNIT 2002	$924	$771	$593
35	PICKUP TRUCK 2002	$1,589	$1,326	$1,020
36	SCHOOL TECH 2002	$11,855	$10,805	$9,580
37	SCHOOL FURNITURE 2002	$3,029	$2,528	$1,943
38	SCHOOL BLDG REPAIR 2002	$5,423	$4,743	$4,176
39	SCHOOL VEHICLES 2002	$1,921	$1,603	$1,233
40	PUBLIC SAFETY 2002	$71,360	$66,160	$66,160
41	TOWN POOL REPAIRS 2002	$8,000	$7,400	$6,700
42	LAND PURCHASE CAZANAS	$2,000	$1,850	$1,675
43	CANOE LAUNCH	$2,150	$1,850	$1,675
44	PUBLIC WAY 2002	$1,640	$2,800	$2,275
45	SURFACE DRAIN 2002	$4,845	$3,085	$2,910

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
46	SEWER 2002	$465	$375	$200
47	TOWN BUILDING REPAIRS	$0	$1,112	$979
48	REMODELING 2003			$48,041
49	DEPARTMENTAL EQUIPMENT			$31,148
50	COMPUTERS			$17,455
51	PLANNING 2003			$3,384
52	STORMWATER MAP 2003			$2,070
	MATURING DEBT			
53	MULTI PURP EX 91 HIGH SCHOOL	$365,000	$360,000	$355,000
54	MULTI PURP EXEMPT SCHOOL 1993	$215,000	$215,000	$215,000
55	LAND ACQUISITION EXEMPT 1996	$180,000	$180,000	$180,000
56	MULTI PURPOSE 1996	$45,000	$45,000	$45,000
57	BOND SALE EXPENSE	$387	$32,500	$32,500
58	FINANCIAL DISCLOSURE	$0	$2,500	$2,500
59	MULTI PURPOSE 1997	$147,300	$147,300	$147,300
60	MULTI PURPOSE EXEMPT 1997	$150,000	$150,000	$150,000
61	PUBLIC SAFETY BLDG.	$290,000	$290,000	$290,000
62	DECARLO LAND ACQUISITION	$15,000	$15,000	$0
63	DEPARTMENTAL EQUIPMENT	$210,000	$210,000	$0
64	FIELD HOUSE REMODEL	$3,675	$3,675	$1,361
65	COMPUTERS	$80,000	$80,000	$0
66	TRAFFIC LIGHTS	$5,000	$5,000	$0
67	DEPARTMENTAL EQUIPMENT	$100,000	$100,000	$100,000
68	LAND ACQUISITION	$120,000	$120,000	$120,000
69	MODULAR CLASSROOMS/GYM	$100,000	$100,000	$100,000
70	POOL REMODEL	$35,000	$35,000	$35,000
71	STREET REMODEL	$33,000	$33,000	$28,000
72	SIDEWALK/BIKE	$25,000	$20,000	$20,000
73	LAND ACQUISITION 2001	$90,000	$90,000	$90,000
74	DEPT EQUIPMENT 2001	$130,000	$130,000	$130,000
75	SCHOOL TECH 2001	$50,000	$50,000	$50,000
76	TOWN BLDG/FIRE REPAIRS	$15,000	$15,000	$15,000
77	SIDEWALK 2001	$15,000	$10,000	$10,000
78	LANDFILL 2001	$25,000	$25,000	$25,000
79	BUILDING REPAIR	$5,320	$3,800	$3,800
80	RADIO REHAB 2002	$5,000	$5,000	$5,000
81	COMPUTERS 2002	$10,000	$5,000	$0
82	TELEPHONES 2002	$2,238	$2,239	$2,239
83	COMPACTOR UNIT 2002	$9,168	$9,169	$9,169
84	CONTAINERS 2002	$2,442	$2,442	$2,442
85	ASPHALT REPAIR 2002	$5,093	$5,093	$5,093
86	PICKUP TRUCK 2002	$8,761	$8,762	$8,762
87	SCHOOL TECH 2002	$35,000	$35,000	$35,000
88	SCHOOL FURNITURE 2002	$16,703	$16,704	$16,704
89	SCHOOL BLDG REPAIR 2002	$22,680	$16,200	$16,200
90	SCHOOL VEHICLES 2002	$10,593	$10,593	$10,593
91	PUBLIC SAFETY 2002	$80,000	$80,000	$80,000
92	TOWN POOL REP 2002	$20,000	$20,000	$20,000
93	LAND PURCHASE CAZANES	$5,000	$5,000	$5,000
94	CANOE LAUNCH 2002	$10,000	$5,000	$5,000
95	PUBLIC WAY 2002	$16,000	$15,000	$10,000
96	SURFACE DRAINS 2002	$4,000	$5,000	$5,000
97	SEWER 2002	$3,000	$5,000	$5,000
98	REMODELING	$0	$0	$72,300

	BUDGET FISCAL YEAR 2005	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
99	DEPART EQUIPMENT	$0	$0	$122,400
100	COMPUTERS	$0	$0	$65,400
101	PLANNING 2003	$0	$0	$25,000
102	STORMWATER MAP 2003	$0	$0	$14,000
	TOTAL DEBT & INTEREST	$3,942,878	$3,833,337	$3,849,037
	GRAND TOTAL BUDGET	$42,047,867	$45,178,662	$46,515,770

	CAPITAL BUDGET		
	GENERAL GOVERNMENT		
1	ASSESSORS: SOFTWARE INTERIM REASSESSMENT	$40,000	BORROW
2	TOWN BUILDING ROOF REPAIRS	$87,500	BORROW
	INFORMATION TECHNOLOGY		
3	COMPUTER EQUIPMENT	$22,300	BORROW
	FIRE DEPARTMENT		
4	CAR REPLACEMENT	$30,000	BORROW
5	AMBULANCE REPLACEMENT	$150,000	BORROW
6	FIRE ALARM TRUCK	$70,000	BORROW
	FIRE STATION 2 REPAIRS		
7	VEHICLE EXHAUST SYSTEM	$28,000	BORROW
8	GENERATOR	$9,500	BORROW
	BOARD OF HEALTH		
9	SCHOOL HEARING AND EYESIGHT TESTOR	$5,900	BORROW
	HIGHWAY		
10	G.V.W. 15000 DUMP TRUCK	$53,000	BORROW
	LANDFILL		
11	REFURBISH COMPACTOR UNITS	$12,000	BORROW
	LIBRARY		
12	COMPUTERS	$8,500	BORROW
	PARK AND RECREATION		
13	5 TON DUMP TRUCK WITH PLOW	$90,000	BORROW
14	COMPACT MOWER	$11,000	BORROW
15	POOL REPAIRS	$22,000	BORROW
	SCHOOL DEPARTMENT		
16	CLAYPIT HILL ROOF	$1,000,000	BORROW
17	TECHNOLOGY	$200,000	BORROW
18	BUILDING REPAIRS	$100,000	BORROW
	GRAND TOTAL	$1,939,700	

ARTICLE 6: WATER DEPARTMENT MAINTENANCE BUDGET

Proposed by: Board of Water Commissioners *Estimated Cost: $2,683,908*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Water Commissioners for the operation and expenses of the Water Department; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by grants received from the Commonwealth or Federal Government, by borrowing or otherwise.

WATER DEPARTMENT BUDGET FY 2005

	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
Salaries			
Commissioners	$225	$225	$225
Superintendent	$66,181	$71,000	$73,130
Labor	$365,129	$368,001	$379,041
Clerical	$40,109	$39,562	$40,749
Total Salaries	$471,644	$478,788	$493,145
Operating Expense	$432,706	$530,500	$580,000
Professional Services	$0	$0	$58,000
Fringe Benefits	$0	$0	$125,780
Equipment; Water Meters	$0	$0	$15,000
Police Details	$1,240	$0	$0
Borrowing Costs	$401,493	$370,026	$401,983
Total Water Operating Budget	$1,307,083	$1,379,314	$1,673,908
Water Capital			
Draper Road-Hazelbrook		Borrow	$1,010,000
Total Water Capital			$1,010,000

FINANCE COMMITTEE COMMENTS: This article provides the Water Department Operating and Capital budget for fiscal 2005. The operating budget reflects an increase of approximately $270,000, or 19.5%, from 2004's operating budget. Almost one-half of this increase is due to the cost of employee benefits being charged to this department for the first time in fiscal 2005. In the past, this cost was included in the Town operating budget (included in Unclassified). Other increases are required due to: negotiated salary increases; increased expenditures for maintenance of controls, pipes, hydrants, wells, meters, and other equipment; additional water testing; increases in expenditures on consulting services to evaluate impact of projects, such as Raytheon, as well as complying with additional security regulations of the Federal Security Act; and increases in debt and interest. Even with these additional expenditures, the Water department is expected to generate a surplus in 2005 as revenues from water usage are anticipated to be approximately $1.8 million, which are more than sufficient to fund these expenditures. Water revenues are anticipated to increase by approximately $300,000 to $400,000 primarily due to the increase in water rates enacted in fiscal 2004. The increase in water rates were primarily motivated to increase water conservation and to comply with a State mandate requiring Wayland to reduce its water usage to State acceptable water usage levels per household. Preliminary indications are that water usage is now within the state acceptable range.

Water Department capital is $1,010,000, which represents only one project, the replacement of the main water pipe that runs along Draper Road and Hazelbrook Lane. At the Fall Special Town Meeting, $50,000 was authorized for the design of this replacement. This expenditure will replace the stretch of pipe that has experienced eight water main breaks since 1999. Many of the breaks have been winter breaks, which are particularly troublesome because pipes can't be flushed, and in the past contributed to "brown water" problems experienced throughout the Town.

ARGUMENTS IN FAVOR: This articles authorizes the town to spend the money needed to operate the Water Department, with the additional funds required to do needed maintenance, and to consult with outside experts on the clean-up at the Raytheon site and to comply with Federal Security requirements.

The recurring number of breaks in the Draper main clearly indicates a problem with the existing pipe. In addition, the cost of each repair and the water quality impact on the town, especially in the winter, represents a significant burden to the Water Department and the Town. The Water Commission believes the replacement is the only viable solution for the long term and requires this expenditure.

ARGUMENTS OPPOSED: It could be argued that the Water Department should maintain its expense levels at the fiscal 2004 level and not increase its expenditures as noted above.

The replacement cost of $1 million is too expensive an undertaking given today's financial situation and the Water Department should continue to repair the breaks as they occur.

RECOMMENDATION: Finance Committee recommends approval. Vote 5-0-1.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

ARTICLE 7: WASTEWATER MANAGEMENT DISTRICT COMMISSION BUDGET

Proposed by: Wastewater Management District Commission *Estimated Cost: $216,410*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Wastewater Management District Commission for the annual operating expenses of the Wayland Wastewater Management District; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds appropriated for another purpose, by borrowing or otherwise.

WASTEWATER MANAGEMENT DISTRICT COMMISSION BUDGET FY 2005

	EXPENDED FY 2003	APPROPRIATED FY 2004	REQUESTED FY 2005
Operating Expense	$38,270	$23,226	$25,000
Maintenance/Repair	$0	$40,000	$20,000
Contract/Professional Services	$82,366	$98,000	$110,00
Debt Service	$41,759	$31,066	$31,083
Capital Expenditure	$18,134	$0	$15,000
Sewer Easement	$11,500	$0	$0

Contingency Fund	$0	$0	$15,327
Total Expenses	**$192,029**	**$192,292**	**$216,410**
Anticipated/Actual Revenues	$204,304	$220,700	$216,410

FINANCE COMMITTEE COMMENTS: This article continues the funding of the Wastewater Management District Commission, which owns and operates a wastewater treatment facility located at the Town Business Center (Congress Group) office complex. Nearby Route 20 residents and businesses and the new Public Safety building are users, the Town building and the library are potential users. A substantial portion of the capacity is reserved for use by occupants of the office complex. The expenses of the system are borne by revenues from the users and by charges for betterments.

ARGUMENTS IN FAVOR: This article provides sufficient funds for the operation of the facility, however continued vacancy of most of the office complex will affect revenue in the future.

ARGUMENTS OPPOSED: There are none evident.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

ARTICLE 8: WAYLAND/SUDBURY SEPTAGE TREATMENT FACILITY BUDGET

Proposed by: Septage Committee *Estimated Cost: $697,040*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Septage Committee for the operation of the Wayland/Sudbury septage treatment facility; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

		EXPENDED FY 2003	APPROVED FY 2004	RECOMMENDED FY05
1	SALARIES	$165,131	$127,100	$127,100
	EXPENSE			
2	OPERATING EXPENSE	$1,400	$3,500	$3,000
3	OTHER EXPENSE	$12,610	$14,000	$14,000
4	EXPENSE UTILITY – MISC.	$33,201	$45,000	$40,000
5	CONTRACTED/PROF SVCES	$12,500	$34,000	$20,000
6	CONTRACT SERVICES DIRECTOR	$47,103	$64,000	$65,000
7	LEGAL SERVICES	$3,472	$3,000	$4,000
8	OUT OF STATE TRAVEL	$0	$500	$500
	EQUIPMENT			

9	CAPITAL REPLACEMENT	$10,266	$75,000	$80,000
10	PURCHASE/RENTAL	$0	$3,000	$3,000
11	MAINTENANCE & REPAIRS	$16,689	$20,000	$20,000
12	MATERIAL/SUPPLIES	$3,472	$4,000	$4,000
12B	EMERGENCY REPAIRS			$0
	BUILDING/MAINTENANCE EXPENSE			
13	MAINT/REPAIRS/RENOVATIONS	$765	$2,000	$2,000
14	BUILDING UTILITIES	$0	$1,000	$1,000
15	BUILDING ENERGY	$8,285	$9,000	$9,000
	SPECIAL BUDGET ITEMS			
16	ENGINEERING SERVICES	$0	$5,000	$10,000
17	DEBT SERVICE	$76,865	$73,135	$65,340
18	SLUDGE DISPOSAL	$80,180	$90,000	$85,000
19	GROUND WATER MONITORING	$0	$2,000	$10,000
20	AUDIT, FINANCIAL SERVICES	$0	$16,000	$10,000
20B	LABORATORY AND PROFESS SVCS	$7,048	$3,000	$7,000
	INDIRECT EXPENSES			
21	ADMINISTRATION	$40,000	$10,000	$10,000
22	INSURANCE FRINGE BENEFITS	$31,891	$20,000	$20,000
23	OTHER INSURANCE	$4,400	$4,000	$4,000
24	RETIREMENT BENEFITS	$$0	$17,100	$17,100
25	GREASE DISPOSAL	$2,736	$15,000	$5,000
26	SEPTAGE COMMITTEE	$0	$500	$500
27	RESERVE FOR EMERGENCY REP	$0	$0	$0
28	SEPTAGE COMMITTEE SEC.	$387	$1,000	$500
29	SEPTAGE BILLING UPGRADE	$0	$0	$0
30	RESERVE FOR EXTRAORDINARY REP	$0	$60,000	$60,000
	TOTAL BUDGET REQUEST	**$557,401**	**$721,835**	**$697,040**
	REVENUE SOURCES			
	ANTICIPATED REVENUE	$457,489	$572,449	$540,974
	RETAINED EARNINGS	$99,912	$149,386	$156,066
	TOTAL REVENUES	**$557,401**	**$721,835**	**$697,040**

FINANCE COMMITTEE COMMENTS: This article provides funds for the annual operation of the Wayland/Septage Treatment Facility. In addition to operating expenses, the budget includes a $60,000 reserve for extraordinary or unforeseen expenditures and 65,340 to pay the second to last annual debt and interest obligation.

FY 2003 Results

The Facility received $457,489 from various sources on a cash basis during FY 2003. This represents an increase in receipts of $54,987 over FY 2002. FY 2003 expenditures were $557,401. This represents a decrease in expenditures of $103,479 from FY 2002. The positive income and expense trends notwithstanding, the Facility had an operating loss in FY 2003 of $99,912. This represents an improvement of $158,466 from FY 2002 when the Facility incurred a $258,378 operating deficit. A summary of FY 2003 results and a comparison to FY 2002 is presented below.

Operating Results	FY 2002	FY 2003	Variance
Receipts	$402,502	$457,489	$54,987
Expenditures	$660,880	$557,401	$103,479
Surplus/(deficit)	$(258,378)	$(99,912)	$158,466

Accounts Receivables

During FY 2003, the Facility transitioned from a property based billing system to a hauler billing system. All property based accounts outstanding have been liened. Haulers receivables totaled $76,091 at the end of FY 2003.

Debt Service

The Facility is paying off the $640,000 1996 Sewer Facility Bonds. Two principal and interest payments remain (FY 2005 and FY 2006) before this debt service will be fully retired.

Retained Earnings

The retained earnings balance at June 30, 2003 is $614,737. The FY 2005 budget anticipates using $156,066 in retained earnings to balance the budget.

Future Issues

The Massachusetts Department of Environmental Protection (DEP) has been pressing the Septage Committee to install equipment to lower nitrogen levels, which are higher than state norms. Although it is unclear as to the cause of the elevated nitrogen levels, the Committee estimates that it would cost approximately $1 million dollars to upgrade the Facility to meet de-nitrification levels if required by the DEP.

ARGUMENTS IN FAVOR: This article provides adequate funds to operate the Facility. The Septage Committee has worked hard to increase revenues and reduce expenses with the goal of balancing the budget without using retained earnings in FY 2007. The Facility represents a convenient, cost efficient treatment facility for the haulers and presumably this is reflected in the rates being charged to the residents of Wayland and Sudbury.

ARGUMENTS OPPOSED: The FY 2005 budget uses $156,066 of retained earnings to achieve a balanced budget. Based on current revenues and expenses, the retained earnings will be reduced to an estimated $250,000 by the time the bond debt is retired in FY2007. This will leave a very slim reserve against unforeseen expenses. A moratorium on new debt service coupled with revenue increases and/or expense reductions will be needed to rebuild retained earnings.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

ARTICLE 9: COMPENSATION FOR ELECTED OFFICIALS

Proposed by: Board of Selectmen

To determine whether the Town will vote to fix the salaries and compensation of all elected officers of the Town effective July 1, 2004, which salaries and compensation are printed below.

SALARY SCHEDULE – ELECTED TOWN OFFICIALS

		FY 2004	FY 2005
Town Clerk		$61,681	$61,681
Assessors	(Chairman)	$1,600	$1,600
	(2 @ $1,500)	$3,000	$3,000
Board of Health	(5 @ $50)	$250	$250
Water Commissioners	(3 @ $75)	$225	$225
TOTAL		**$66,756**	**$66,756**

FINANCE COMMITTEE COMMENTS: This is a standard article that permits the Town to pay the Town Clerk and various elected officials. The salary of the Town Clerk does not fall within the Personnel Wage and Salary Classification Plan, because it is an elected position. As a result, Town Meeting must approve pay increases for the Town Clerk. Appointed Department heads enjoy benefits not available to elected officials, such as automatic step increases, merit increases that recognize performance, and cost of living adjustments. The only course of action for the Town Clerk is to place an article in the Warrant and a line item in the budget (the article sets the salary, the budget appropriates the monies) calling for a salary increase.

ARGUMENTS IN FAVOR: The salaries proposed reflect a fair and in some cases minimal compensation for work performed.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 108.

ARTICLE 10: PAY PREVIOUS FISCAL YEAR UNPAID BILLS

Proposed by: Board of Selectmen *Estimated Cost: Unknown*

To determine whether the Town will vote to:

(a) pay the following bill of a prior Fiscal Year:

(b) appropriate the sum of money for the payment of the foregoing bill of a prior fiscal year; and

(c) provide for such appropriation by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: Occasionally, bills are not paid at the end of a fiscal year

for a number of reasons, including late submission. At the printing of the warrant there were no known unpaid bills.

ARGUMENTS IN FAVOR: This is a bill for services that the Town has received, and it should be paid.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Four-fifths – see Massachusetts General Laws Chapter 44, Section 64.

ARTICLE 11: CREATE TOWN ADMINISTRATOR POSITION

Proposed by: Board of Selectmen

To determine whether the Town will vote to:

1.) authorize and empower the Board of Selectmen to appoint a Town Administrator pursuant to Massachusetts General Laws Chapter 41, Section 23A;

2.) rescind its vote under Article 6 of the Warrant for the 1957 Annual Town Meeting authorizing the Board of Selectmen to appoint an Executive Secretary pursuant to Massachusetts General Laws Chapter 41, Section 23A;.

3.) Amend the Code of the Town of Wayland by:

a.) adding thereto the new Chapter 60 (See ***Section A*** below);
b.) making revisions to Chapter 19, Section 19-4 (See ***Section B*** below);
c.) making revisions to Chapter 58, Section 58-1 (See ***Section C*** below);
d.) making revisions to Chapter 62, Section 62-2 (See ***Section D*** below), and

4.) Authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act providing for the establishment of the position of Town Administrator substantially the same as the special act set forth in Appendix B of this Warrant (See ***Section E*** below).

Section A

Chapter 60
Town Administrator

§60-1. Appointment and Qualifications.

60.1.1 The Board of Selectmen, by a majority vote of its full membership then serving, may appoint a Town Administrator for a term of one or three years or the Town Administrator may serve the Town at will at the pleasure of the Board of Selectmen. The Town Administrator shall receive such aggregate compensation and benefits, not exceeding the amount appropriated, as the Board of Selectmen may determine. The Board of Selectmen may, but is not required to, establish a written employment contract with the Town Administrator pursuant to Massachusetts General Laws Chapter 41, Section 108N, to provide for the salary, fringe benefits, and other conditions of employment. The Town Administrator position shall be a non-union position.

60.1.2 The Town Administrator shall be appointed on the basis of educational, management and administrative qualifications and experience, including at least a bachelor's degree in a related field of study from an accredited four-year college or university. The Town Administrator shall have considerable professional experience, consisting of compensated service in municipal administration or an equivalent combination of education and business management experience.

60.1.3 The Town Administrator shall devote full-time to the responsibilities of the office The Town Administrator shall hold no elective Wayland Town office. The Town Administrator may be appointed by the Board of Selectmen to any other compatible Town office or position, but s/he shall engage in no other business or occupation without advance written authorization by the Board of Selectmen.

§60-2. Authority and Responsibilities.

60.2.1 The Town Administrator shall be responsible for all of the activities noted in the Town Administrator's job description. The Town Administrator shall be responsible for the management of all affairs of the Town and Town departments under the supervision and control of the Board of Selectmen and shall act by and for the Selectmen in any matter relating to the administration and operations of the affairs of the Town which they may assign to the position.

The Town Administrator shall be responsible for overseeing, coordinating, and making recommendations that may impact multiple Town Boards and Committees, broadly or in detail, regarding Town financial, personnel and legal activities. The Town Administrator will not set Town policy, but will ensure there is appropriate coordination in the implementation of Town policy working across all Town Departments in conjunction with all elected and appointed Boards and Committees.

Certain department heads and elected boards and committees have state statutory authority or responsibility over specific job-related activities resulting in the implementation of technical decisions, as defined in Town by-laws or Town policies. The technical knowledge necessary to execute the specific job related activities is held by the applicable department heads and elected boards and committees. The Town Administrator shall understand and have a working knowledge of the statutory authority and responsibility held by certain department heads and elected boards and committees so s/he can effectively support these officers in the execution of their duties. Nothing in this by-law is intended to reassign state statutory authority or responsibility over specific job activities, as defined in Town by-laws or Town policies to the Town Administrator.

60.2.2 The Town Administrator shall, unless otherwise directed by the Board of Selectmen, manage and supervise all affairs of Town departments and committees under the jurisdiction of the Board of Selectmen.

With respect to all other affairs of the Town government, the Town Administrator shall:

(a) with respect to Town policies and programs that impact multiple areas of Town government, working with all elected and appointed boards and committees and Town department heads, be accountable for ensuring there is appropriate administration and coordination both (i) in the implementation and on-going adherence to Town policies; and (ii) in the development and execution of programs;

(b) be accountable for ensuring that all Town boards and committees and employees under the

jurisdiction of these Boards:

1) comply with the Town's financial, personnel and legal policies and procedures;
2) comply with votes of town meeting and Town by-laws and federal and state laws;
3) with respect to the development, implementation and execution of policies and programs affecting various Town departments:
   i. coordinate the setting of priorities with the rest of the Town government;
   ii. communicate activities, including projects, plans and studies, so that necessary input is received from all areas of Town government that should be involved in those initiatives;
   iii. coordinate efforts so that cross-functional services to residents and others are effectively and consistently delivered, and
4) prepare, file and maintain the appropriate records and reports on behalf of the Town;

but, in no event shall the Town Administrator be responsible for making policy decisions or implementing technical decisions provided for by state statute, Town by-laws or Town policies;

(c) work with the Finance Director and Finance Committee to:

1) develop long-term financial strategies for the Town;
2) establish set budgetary guidelines to be used in the development of annual budgets;
3) review budgets of all Town departments and make recommendations to the affected boards and committees and to the Finance Committee about priorities important to budget development, and
4) evaluate actual expenditures and receipts against budgets and coordinate with affected department heads, boards and committees the development of plans to manage to the budget or obtain Finance Committee approval for Reserve Fund transfers, in advance of spending, when possible;

(d) maintain an inventory of all Town-owned real and personal property;

(e) serve as the Town's chief procurement officer under the provisions of Massachusetts General Laws Chapter 30B;

(f) working with the Town's Human Resource Director, be responsible for the daily administration of the Town-wide personnel system, including the maintenance of personnel records and the enforcement of personnel policies, rules and regulations and managing personnel costs to ensure maximum efficiency and fairness across Town departments;

(g) oversee crisis intervention in emergency situations, working with other key Town department heads, and address any systemic problems impacting multiple areas of Town as they arise, being accountable for ensuring priority items are properly attended to and for bringing concerns about problem resolution to related boards and committees, and ultimately, to the Board of Selectmen for assistance in resolution, if necessary;

(h) annually evaluate the job performance of all Town officers and department heads under the jurisdiction of the Board of Selectmen after seeking input and recommendations from any appointed committees served by any such officers and department heads;

(i) For department heads under the jurisdiction of elected boards, the Town Administrator will provide input to the elected board on the department head's job performance, at a minimum, as part of the annual performance evaluation process and will provide input to the elected board on personnel

hiring and removal. Evaluation feedback will address the Town Administrator's interaction with the department head relating to areas addressed under Subsections (a) through (g) above, and other similar interactions. Authority for hiring, evaluating, disciplining and removal of such department heads will remain with the elected board, with input provided by the Town Administrator;

(i) at least annually, provide input to the office of the Town Clerk about his/her performance.

60.2.3 Subject to ratification by majority vote of all members of the Board of Selectmen, the Town Administrator shall have the power and authority to:

(a) appoint, on the basis of merit and fitness alone, without the ratification by the Board of Selectmen, and evaluate, discipline or, for cause, remove, without the ratification of the Board of Selectmen:

1) an Information Technology Director,
2) a Town Surveyor or a Town Engineer,
3) all other administrative and clerical employees in the Offices of the Board of Selectmen and the Town Administrator; and
4) such other Town officers, department heads and employees as authorized by order of the Board of Selectmen, by-law or state law; and

(b) appoint, on the basis of merit and fitness alone, subject to ratification by a majority vote of the full membership of the Board of Selectmen then serving, and ,evaluate, discipline and, for cause, remove, without the ratification of the Board of Selectmen, a Human Resource Director;

(c) appoint, on the basis of merit and fitness alone, subject to ratification by a majority vote of the full membership of the Board of Selectmen then serving, and, without cause, remove, without the ratification of the Board of Selectmen, Town Counsel and special counsel, except for counsel to the School Committee;

(d) upon enactment of a special act approved by the General Court of the Commonwealth of Massachusetts, appoint, on the basis of merit and fitness alone, with ratification by a majority vote of the full membership of the Board of Selectmen then serving, and evaluate, discipline and, for cause, remove, without the ratification of the Board of Selectmen:

1) a Police Chief,
2) a Fire Chief,
3) a Finance Director, who shall have the authority and responsibilities of a town accountant, and

(e) upon enactment of a special act approved by the General Court of the Commonwealth of Massachusetts, appoint, on the basis of merit and fitness alone, without ratification by the Board of Selectmen, and evaluate, discipline and, for cause, remove, without the ratification of the Board of Selectmen:

1) a Building Commissioner,
2) one or two Directors of the Council on Aging,
3) a Conservation Administrator, and
4) a Town Treasurer and Collector.

60.2.4 The Town Administrator will consult with relevant primary boards and committees working with the department heads enumerated in Subsections (a) through (e) above, prior to implementing personnel related actions.

§60-3. Removal of the Town Administrator.

The Town Administrator may be removed by a majority vote of the full membership of the Board of Selectmen then serving.

§60-4. Acting Town Administrator.

The Board of Selectmen may designate a qualified person to serve as the Acting Town Administrator and to perform the duties of the Office of the Town Administrator during the period of any vacancy caused by the Town Administrator's absence, illness, suspensions, removal or resignation. The appointment shall be for a period not to exceed six (6) months, but such appointment may be extended by an additional two (2) months by majority vote of the Board of Selectmen;

(Key to revisions: underlining = additions; [bracketing] = deletions)

Section B

b.) making the following revisions to Chapter 19, Section 19-4 thereof:

(i) amend the third sentence of the first paragraph as follows:

One month prior to December 15th each year, for all town boards, officers and committees under the jurisdiction of the Board of Selectmen, the Town Administrator shall submit to the Board of Selectmen detailed estimates of the amounts deemed necessary for the administration of [their respective] all such boards, offices or departments for the ensuing fiscal year, including both capital and expense items.; and

(ii) amend the second and third sentences of the second paragraph as follows:

For each such town board[s], office[s] [and], committee[s] and department under the Board of Selectmen's jurisdiction, the Town Administrator shall also, as part of the submission, file estimates of all probable items of income which may be received by them during the ensuing fiscal year in connection with the administration of [their] each such board, office [or], committee and department. For the town boards, offices, [and] committees and departments under the Board of Selectmen's jurisdiction, the Town Administrator shall submit preliminary budgets to the Finance Committee by December 15th of each year. Prior to January 15th of each year, unless another date is agreed to, the Town Administrator shall review and make recommendations to the Board of Selectmen with respect to the budget requests, including both capital and expense items, and income estimates of all other Town boards, committees, offices and departments, except for the School Committee;

Section C

c.) by making the following revisions to Chapter 58, Section 58-1 thereof:

The Board of Selectmen shall have full authority as agents of the town to [employ counsel to appear for] commence, prosecute and defend suits in the name of town,

unless otherwise especially ordered by vote of the town.; and

Section D

d.) by making the following revisions to Chapter 62, Section 62-2 thereof:

§62-2. Approval of [Executive Secretary] Town Administrator.

Prior to disposing of any surplus property valued at less than $1,500, the designated procurement officer for a town board, committee, commission, council, office or department shall first obtain approval from the Town Administrator [Board of Selectmen and the Finance Committee]; and

Section E

4.) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act providing for the establishment of the position of Town Administrator substantially the same as the special act set forth in Appendix B of this Warrant.

FINANCE COMMITTEE COMMENTS: The Board of Selectmen is proposing to increase the responsibilities and the accountability of the Town's Executive Secretary and change the position's title to Town Administrator. Wayland has had an Executive Secretary position as its most senior Town employee since 1957.

In Massachusetts, towns with the most centralized forms of government are generally managed by an employee with the title Town Manager. Town's with the most decentralized forms of government are generally managed by an employee with the title Executive Secretary. The Town Administrator, as proposed by the Board of Selectmen will have less authority than typical Town Managers in the Commonwealth but will have expanded authority beyond what the current Executive Secretary has today.

In 1999, the Board of Selectmen became concerned with the challenges facing the Town, in particular, shortages of volunteers in town government and the increasing complexities of managing the operations of the Town. In 2000, the Board surveyed Town residents to obtain input regarding opinions on the operations of the Town. Approximately 900 surveys were returned. As a result of the survey response, the Board proposed a consultant be hired to review the Town's government organizational structure and operations and make recommendations for improvement.

Subsequently, Town Meeting voted to allocate funds to hire a consulting group to perform the review. One of the central findings of the review suggested that Wayland's decentralized government "was negatively impacting day-to-day administration of the Town, limiting accountability and misplacing authority." With the consultants review acting as a catalyst, numerous public meetings and forums were held to discuss its recommendations. This proposed article is the initial step in a series of organizational changes meant to address perceived weaknesses in the Town's current management structure. The review also recommended the consolidation of the Town's public works related functions and the consolidation of the Town's financial functions. These recommendations will be assessed by the Selectmen and other relevant boards and committees at a later date.

The Town Administrator is expected to act as the Chief Operating Officer of Wayland. Responsibilities, authority and accountability will be expanded from those that appear in the current

Executive Secretary's job description. Substantive changes are noted below:

Personnel Actions

- The Town Administrator will assume the Selectmen's current authority to hire (subject to ratification by majority vote of all members of the Board of Selectmen then serving) the Police Chief, Fire Chief, Finance Director, the Human Resources Director, and Town Counsel, and, evaluate, discipline and remove same Town officials without ratification by the Board of Selectmen. The Town Administrator will consult with relevant primary boards and committees working with the department heads noted above, prior to implementing personnel related actions;

- The Town Administrator will annually evaluate the job performance of all other Town officers and department heads under the jurisdiction of the Board of Selectmen after seeking input and recommendations from any appointed committees served by any such officers and department heads, and

- For department heads under the jurisdiction of elected boards, the Town Administrator will provide input to the elected board on the department head's job performance, at a minimum, as part of the annual performance evaluation process and will provide input to the elected board on personnel hiring and removal. Authority for hiring, evaluating, disciplining and removal of such department heads will remain with the elected board, with input provided by the Town Administrator;

Supervision

- The Town Administrator will be accountable for ensuring that all Town Boards, Committees and employees follow the Town's financial, personnel, and legal policies and procedures, that they comply with local, federal and state laws, and that all parties are made aware of ongoing projects, plans, studies or initiatives and that appropriate coordination between town functions takes place.

The Town Administrator would not be responsible for setting Town policies or approving Town programs. The newly defined position would have greater input in budget and financial planning matters and would head the Town's Emergency Planning Committee.

It is anticipated that the Town Administrator's pay scale could be approximately $20,000 more than the amount currently budgeted for the Executive Secretary.

If Town Meeting approves this article, the Board of Selectmen will need to petition the Massachusetts legislature to ratify certain aspects of this change before full implementation can take place.

ARGUMENTS IN FAVOR: Most organizations with a revenue base the size of Wayland's (approximately $50 million) have a senior manager overseeing the entire operation. The Board of Selectmen has concluded that the current management structure of the Town is unwieldy, inefficient and out-dated. The Executive Secretary's limited role and set of responsibilities causes the Board of Selectmen (and other boards and committees) to spend considerable time and energy overseeing administrative affairs.

With the proposed changes, the board and committee members who favor this transition anticipate that they will be able to devote more time and energy to policy initiatives, goal setting, coordination of town-wide projects (long range planning, comprehensive housing planning and implementation,

building initiatives, for example), and improving client service by town departments

As with any organization, from time to time, the Town has had to spend significant time and monies in defending itself in legal matters. The proponents believe that by enhancing the risk management responsibilities of the Town Administrator, the Town might reduce exposure to legal actions. The Town Administrator will be accountable for personnel and financial functions more broadly across the Town. The proponents believe that this will allow for enhanced budget control and provide more opportunities for cost efficiencies to be found and new processes implemented.

As a coordinator between various department heads and elected and appointed boards and committees, the Town Administrator will be expected to enhance communication and increase operating efficiencies. By providing input for personnel evaluations, and being tasked with indirect administrative supervision of department heads who report to boards and committees, the Town Administrator's insight into the daily operation of that department will be a valuable and necessary component according to those volunteers who support this article.

The checks and balances that now exist within the town's operations will continue to exist, such as oversight of the Town's financials by the Finance Committee, oversight of personnel matters by the Personnel Board and oversight of legal matters by the Board of Selectmen. Also, the direct responsibility for many Town functions by department heads and elected and appointed boards and committees will not change.

ARGUMENTS OPPOSED: Some volunteers and members of the public have voiced concern to part or all of this initiative. Apprehension has been expressed about the lack of clarity or definition in the by-law language with a possible unintended consequence being the concentration of power in the hands of the Town Administrator and/or Selectmen. Others wonder why the Executive Secretary form of government can't accomplish the same results without the need for a by-law change. And finally, some interested parties argue that a Town Manager form of government with its direct lines of responsibility and town wide authority would be less confusing and more accountable and efficient than the proposed Town Administrator proposal.

Certain elected and appointed members of boards and committees are concerned that the by-law language detailing the Town Administrator's enhanced supervisory, coordination and personnel evaluation roles will conflict with their duties as independent officials and be confusing to employees who report to these boards and committees. There is worry that these town wide responsibilities will lead to the Town Administrator, and by extension the Selectmen, affecting activities and policies that heretofore were outside of the Executive Secretary or Selectmen's purview. Even though the proposed by-law specifically states that "the Town Administrator is not responsible for setting Town policies," or managing officers and department heads that are not under the jurisdiction of the Selectmen, some question whether the article and act language might not allow these unwarranted actions.

It has been suggested that the by-law might be unnecessary if the Selectmen decided to delegate certain responsibilities and authority to the Executive Secretary. For instance, the ability to hire or fire, with appropriate Selectmen ratification, or the development of long term financial strategies for the Town, might be tasks assigned to the Executive Secretary without the need for a Town Code change. The proponents of this view reason that communication, efficiencies, and improved client (taxpayer) service can be accomplished without changing our organizational structure.

Finally, there are certain volunteers and members of the public who desire a change to the most centralized form of town government, led by a Town Manager. They argue that this would allow for

direct lines of authority and accountability. The Town Manager would ultimately be responsible for addressing the day to day administrative issues. Free of administrative duties, volunteers could concentrate on longer term initiatives.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: See Massachusetts General Laws Chapter 40, Section 21 and Chapter 41, Section 23A and Massachusetts Constitution Amendment Article 2, Section 8(1).

CONSISTENCY WITH LAW: It is the opinion of the Town Counsel that the foregoing By-Law amendments are consistent with Massachusetts and federal law. (SEE APPENDIX B)

ARTICLE 12: ACCEPT LAW INCREASING REAL ESTATE TAX EXEMPTION AMOUNTS

Proposed by: Board of Selectmen and Board of Assessors

To determine whether the Town will vote to accept the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and allow an additional exemption of up to one hundred percent for Fiscal Year 2004.

FINANCE COMMITTEE COMMENTS: This is an annual article that provides for tax exemptions to assist elderly and other fixed-income residents. With passage of this article at each Annual Town Meeting certain residents may avail themselves of exemptions in the following amounts: $350 for widow/widower; $875 for the blind; $1000 for the elderly; and $500 for disabled veterans. The title of the Article refers to "*Increasing* Real Estate Tax Exemption Amounts" because the exemptions listed above are double the amounts in the state statute; this Article does not propose an increase over the exemption granted in last year's Article. Further, the exemption shall not result in any taxpayer paying less than the taxes paid in the preceding fiscal year. In FY03, 126 taxpayers took advantage of these exemptions for a total of $76,253 in tax relief.

ARGUMENTS IN FAVOR: This Article adds minimal tax burden to each taxpayer and provides needed support to elderly and certain residents coping with the increasing burden of paying property tax on fixed incomes.

ARGUMENTS OPPOSED: To allow the exemptions to eligible residents, the other taxpayers must pay more tax.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Majority – See Section 4 of Chapter 73 of the Acts of 1986.

ARTICLE 13: PERSONNEL BY-LAWS AND WAGE AND CLASSIFICATION STUDY

Proposed by: Personnel Board

To determine whether the Town will vote to amend the Code of the Town of Wayland, Chapter 43, PERSONNEL as previously adopted by the Town by making the following additions, deletions or modifications thereto and the Personnel Wage and Salary Classification Plan as set forth in Appendix C to this Warrant:

1) Strike from §43-1 "PERSONNEL DIRECTOR", and insert in place thereof "HUMAN

RESOURCES DIRECTOR"; and, in the definition immediately following, strike "Assistant Executive Secretary", and insert in place thereof "Assistant Town Administrator";

2) Add to §43-2, Paragraph B the following new subparagraph: "(6) To establish rules and regulations for employees who do not fall within the parameters as defined in this Chapter.";

3) Strike from §43-6, Paragraph A: "Personnel Director" and insert in place thereof "Human Resources Director";

4) Strike from §43-6, Paragraph B, in the first and second sentences,: "Personnel Department", and insert in place thereof "Human Resources Department";

5) Strike from §43-9, Paragraph C(2) "Personnel Board/Department" and insert in place thereof "Personnel Board/Human Resources Department"; and

6) Strike from §43-17: "Personnel Department", and insert in place thereof "Human Resources Department".

FINANCE COMMITTEE COMMENTS: The changes to Chapter 43 proposed by this article are housekeeping in nature. The predominant change replaces the term 'Personnel' with the more current and appropriate term of 'Human Resources'. There is no material change to the intent or impact of Chapter 43 by this proposed change in terminology.

Regarding the Personnel Wage and Salary Classification Plan as set forth in Appendix C, there are no wage changes. Also, since there are no wage changes included in the Personnel Wage and Salary Classification Plan, nothing is reflected in the Arguments in Favor / Arguments Opposed sections regarding compensation.

Upon recommendation of Town Counsel, both the union and non-union wage charts are included in Appendix C. The non-union charts show an effective date of July 1, 2004 with the parenthetical comment "No Wage Adjustment" and the union charts show an effective date of July 1, 2003 with the parenthetical comment "Currently in Negotiations." The only change to the charts is the addition of the Head School Nurse and the School Nurse positions, which are anticipated to be new positions in FY05.

ARGUMENTS IN FAVOR: Updating Chapter 43 aligns its language with the language used in Town policies and related documents and provides consistency that does not currently exist.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments opposed.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 108A.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with Massachusetts and federal law. (See Charts at Appendix C)

ARTICLE 14: REVOLVING FUND FOR COUNCIL ON AGING

Proposed by: Council on Aging

To determine whether the Town will vote to authorize the continuance of a revolving fund pursuant to Chapter 44, Section 53E ½ of the Massachusetts General Laws for the Council on Aging; and to determine: (1) the programs and purposes for which such revolving fund may be expended; (2) the departmental receipts which may be credited to such revolving fund; (3) the board or officer(s) authorized to expend monies from such fund; and (4) the total amount that may be expended from such fund in Fiscal Year 2005.

FINANCE COMMITTEE COMMENTS: In 1994, the Town established a revolving fund for the Council on Aging. This article authorizes continued use through the end of FY2005 of the fund that is funded by users' fees and permits the Council to provide services at no budgetary costs to the Town.

ARGUMENTS IN FAVOR: This article will permit an additional year of financial management of fees, obtained by the Council on Aging, which provide services to a valued segment of the Town's population.

ARGUMENT OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44, Section 53E ½.

ARTICLE 15: AMENDMENTS TO OFF-STREET PARKING AND LOADING REQUIREMENTS IN ZONING BY-LAWS

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws, by moving the off-street parking and loading requirements from §198-1105 thereof to Article 5 thereof and by making the following deletions (indicated in ~~strikethrough lettering~~) and insertions (indicated in <u>underlined lettering</u>):

§198-~~1105~~-<u>506</u>. Off-street parking ~~and loading requirements~~

~~1105.1.~~ <u>506.1.</u> ~~In both Business Districts A and B, o~~<u>O</u>ff-street parking space shall be provided in connection with the original erection, or increase by units or dimensions, of any building or structure in the following amounts <u>except as otherwise specified in the Zoning By-Law</u>:

> ~~1105.1.1.~~<u>506.1.1.</u> For general retail businesses, commercial and personal service establishments parking facilities on the basis of one parking space per 70 square feet of floor area, exclusive of basement storage space or other space not used for business purposes. In addition to this amount, one parking space for every two employees shall be provided. **[Amended 5-5-1999 STM by Art. 11]**
>
> ~~1105.1.2.~~<u>506.1.2.</u> For office, professional or public buildings, one off-street parking space for each 200 square feet of ground floor area not used for bulk storage and one parking space for each 400 square feet of floor area other than ground floor. **[Amended 5-5-1999 STM by Art. 11]**

~~1105.1.3.~~506.1.3. For restaurants, tearooms, lunch counters or other facilities for eating or drinking, one parking space for each three employees, plus one additional space for each four seats. **[Amended 5-5-1999 STM by Art. 11]**

~~1105.1.4.~~506.1.4. For roadside stands, filling stations, auto sales, automobile repair shops or other roadside service establishments, one parking space for each two employees, plus such additional spaces for customer-motorists as the ZBA shall deem necessary to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

506.1.5. Religious facilities, theaters, auditoriums or any public assembly area: - One (1) parking space for each three (3) occupants based on the allowed occupancy.

506.1.6. Educational or training center — One (1) parking space for each employee plus one (1) parking space for each instructor plus one (1) parking space for each one and one-half (1.5) students based on the allowed occupancy.

506.1.7. Elementary or junior/middle schools — One (1) parking space for each employee, teacher, or staff member; a number of parking spaces equal to 5% of the allowed occupancy for visitor parking; plus sufficient off-street space for the safe and convenient loading and unloading of students.

506.1.8. High school — One (1) parking space for each employee, teacher, or staff member; a number of parking spaces equal to 5% of the allowed occupancy for visitor parking; plus one (1) parking space per four (4) students of driving age.

506.1.9. Day care center or nursery school — One (1) parking space per four (4) persons of the facility's licensed capacity plus three (3) parking spaces designed for the safe and convenient loading and unloading of persons.

~~1105.1.5.~~ 506.1.10. For any and all uses or structures not specifically provided for in the foregoing enumeration, such parking spaces as the ~~ZBA~~ Site Plan Approval Granting Authority, in accordance with §198-603, shall determine to be necessary, considering the activities involved, to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

~~1105.2.~~ 506.2. Whenever, after the date of this Zoning By-Law, there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this article, and whenever such change creates a need for an increase of more than 20% of the number of off-street automobile parking spaces, as determined by the requirements of this article, more off-street parking facilities shall have been provided on the basis of the adjusted needs, as determined by this article.
~~1105.3.~~ 506.3. Mixed uses.

~~1105.3.1.~~ 506.3.1. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with §198-1105. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

506.4. Special Permit. The number of parking spaces may be reduced by the granting of a special permit from the Site Plan Approval Granting Authority, in accordance with §198-603, where the applicant demonstrated that such parking spaces will not be needed for the proposed use, subject to the

condition that the area necessary for those spaces is available on the lot and is designated on the approved plan of record. Additional spaces may be required if, at anytime after the special permit is granted, the Site Plan Approval Granting Authority determines that a need exists or parking is deficient.

~~1105.4.~~ 506.5. Location of facilities.

~~1105.4.1.~~ 506.5.1. Off-street automobile parking facilities, to the extent required in this article, may be required either on the same lot or premises with the parking-generating activity or on any lot or premises a substantial portion of which, at least, is within 300 feet of such activity.

~~1105.5.~~ 506.6. Parking areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind. The required parking areas shall be permanently available for use by patrons and employees of establishments providing such space.

~~1105.6.~~ 506.7. The following design standards apply to off-street parking facilities:

~~1105.6.1.~~ 506.7.1. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley, as well as maneuvering areas. Access to and from lots shall be through designated driveways, with openings or curb cuts not in excess of 40 feet in width at the exterior line of a public or private way.

~~1105.6.2.~~ 506.7.2. Said parking areas shall be provided and maintained with a permanent, dust-free surface, shall be provided with adequate drainage and shall have bumper guards where needed for safety.

~~1105.6.3.~~ 506.7.3. If lighting is provided, the source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property.

506.7.4. For parking areas of 10 or more spaces, bicycle racks facilitating locking, shall be provided to accommodate one bicycle per 10 parking spaces.

506.7.5. Standard Parking Dimensional Regulations. Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

Angle of Parking (in degrees)	**Width of Parking Stall (ft.)**	**Parking Stall Length of Line (ft.)**	**Width of Maneuvering Aisle (ft.)**
90 (two-way)	9	18.5	24
60 (one way)	10.4	22	18
45 (one way)	12.7	25	14
Parallel (one-way)	8	22	14
Parallel (two-way)	8	22	18

506.8. Landscaping in Parking Areas

~~1105.6.4.~~ 506.8.1. Parking lots immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees, hedges or a tight fence. **[Amended 5-5-1999 STM by Art. 11]**

~~1105.7.~~ §198- 507. Off-street loading.

~~1105.7.1.~~ 507.1. On the same premises with every building where goods are received or shipped, newly erected or increased by units or dimensions after the date of adoption of this Zoning By-Law, adequate loading areas shall be provided. Off-Street loading that is spaced logically, conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled, shall be provided for all commercial and business uses. Required off-street loading space is not to be included as off-street parking space. Loading areas shall be screened from any view from a street. The Site Plan Approval Granting Authority may modify this requirement. ~~Every part of such loading area shall be located completely off the street~~.

FINANCE COMMITTEE COMMENTS: This amendment to the Zoning By-law would extend off-street parking and loading standards to all zoning districts. Currently, only Business Districts A and B are covered by the off-street parking and loading Zoning By-law. Religious institutions, theaters, municipal buildings, daycare and nursery schools are examples of buildings or structures impacted by this proposed change.

Additionally, the amendment provides design standards for parking spaces and establishes landscaping requirements for loading zones. And finally, the proposed By-law change allows by special permit, a reduction in parking spaces, as long as a designated area on the approved site plan provides for these un-built parking spaces.

ARGUMENTS IN FAVOR: The extension of uniform parking standards and loading zone landscaping requirements to all zones addresses the regulation void that currently exists outside of Business Districts A and B. The change in By-law specifies standard parking space dimensions and landscaping requirements, an element missing in the current By-law and one that currently requires negotiation between the Planning Board and site owners. Finally, the landscaping requirements will improve the visual impact of the site, and by extension, the neighborhood.

ARGUMENTS OPPOSED: The proposed By-law regulates parking and loading areas on previously unregulated sites. Potentially, this change might result in smaller buildings or structures outside of Business Districts A and B than might be possible under the current negotiated system.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with Massachusetts and federal law. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 16: AMEND ARTICLE 5 OF THE ZONING BY-LAWS RE: OFF-STREET PARKING

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Town of Wayland, the Zoning By-Laws, §198-506, by making the following deletions (indicated in ~~strikethrough lettering~~) and insertions (indicated in underlined lettering) :

> 506.1.1. For general retail businesses, commercial and personal service establishments parking facilities on the basis of one parking space per ~~70~~ 140 square feet of gross floor area, ~~exclusive of basement storage space or other space not used for business purposes~~. In addition to this amount, one parking space for every two employees shall be provided.

506.8.2. Within the interior areas of a parking lot, an area equivalent to ten percent (10%) of the parking lot area shall be landscaped.

FINANCE COMMITTEE COMMENTS: This amendment to the Zoning Code changes the ratio of parking spaces to square feet of gross floor space for general retail, business, commercial and personal service establishments. The ratio is increased from one parking spot per 70 square feet to one for 140 square feet. Secondly, the change defines square feet of gross floor area to include the entire building and eliminates the previous exclusion "of basement storage space or other space not used for business purposes."

Finally, it requires that ten per cent of the interior parking area be landscaped.

ARGUMENTS IN FAVOR: The proposed change more narrowly defines the parking space per square feet of gross floor space ratio and eliminates the vague reference to space not use for business purposes. The addition of landscaping requirements in the parking areas will improve the visual character of these lots.

ARGUMENTS OPPOSED: The one parking space to 140 square feet of gross floor space might be construed as restrictive when compared to more developer friendly ratios used by some neighboring metro-west communities.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-1

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with Massachusetts and federal law. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 17: DELETE WATERSHED PROTECTION DISTRICT FROM ZONING BY-LAWS

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws, by deleting therefrom §198-302.1.2 and §198-1703 relative to the Watershed Protection District, in their entirety.

FINANCE COMMITTEE COMMENTS: This article proposes the deletion of the Watershed Protection District. The Watershed Protection District By-law and accompanying map were enacted by Town Meeting in 1962. The purpose was to preserve and protect streams, ponds, lakes and the groundwater table for water supply purposes. Since enactment, federal, state and local rules and regulations have been adopted that provide greater protection than the original Watershed article. Specifically, the state's Wetlands Protection Act and Rivers Protection Act and Wayland's recently enacted Wetlands By-law are more exact and protective of our water resources.

ARGUMENTS IN FAVOR: The Watershed Protection District By-law and map are duplicative and sometimes in conflict with current regulations. Deletion of the By-law will eliminate conflicts with federal, state and local regulations. Also, the map which accompanies the By-law, is outdated (last updated in 1966) and inaccurate. Deletion of the By-law and map will remove conflict and confusion without affecting the preservation and protection of Wayland's water resources.

ARGUMENTS OPPOSED: There are no known arguments opposed.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with Massachusetts and federal law. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 18: DELETE COCHITUATE INTERIM PLANNING OVERLAY DISTRICT FROM ZONING BY-LAWS

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws, by deleting therefrom §198-302.1.7 and Article 22 relative to the Cochituate Interim Planning Overlay District, in their entirety.

FINANCE COMMITTEE COMMENTS: The Cochituate Interim Planning Overlay District (CIPOD) was created by Article 7 of the April 1997 Special Town Meeting. This temporary planning district was proposed by the Planning Board to allow continuation of municipal comprehensive planning studies necessary to promote orderly growth in the CIPOD. The April 1999 Special Town Meeting extended the CIPOD's original expiration date. The CIPOD district By-Law expired on January 1, 2002. This article proposes to delete the CIPOD By-Law from the Zoning By-Laws.

ARGUMENTS IN FAVOR: This is a housekeeping article that deletes the expired CIPOD By-Law and deletes the temporary district, which no longer is in effect, from the Town's Overlay Zoning Map.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments opposed.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with Massachusetts and federal law. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 19: AMEND ZONING MAP AND OVERLAY ZONING DISTRICT MAPS

Proposed by: Planning Board

To determine whether the Town will vote to adopt (1) the revised Town of Wayland Zoning Map dated December 5, 2003; and (2) the revised Town of Wayland Zoning Overlay District Map dated December 5, 2003; and make the corresponding amendments to Article 3 of Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws, by making the following deletions (indicated in ~~strikethrough lettering~~) and insertions (indicated in underlined lettering):

ARTICLE 3
Establishment of Districts

§198-301 Designation

301.2. Said districts are defined and described in numerous votes of the Town, beginning with the adoption of this Zoning By-Law under Article 5 of the September 5, 1934, Special Town Meeting, and subsequent Town Meetings, and are shown on a plan accompanying this Zoning By-Law that has been filed with the Town Clerk entitled "Town of Wayland Zoning Map," Survey Department, 41 Cochituate Road, Wayland MA, 01778, December ~~11, 2000~~ 5, 2003, as the same may be amended from time to time hereafter. [Amended 5-7-1997 ATM by Art. 39; 4-30-2001 ATM by Art. 23]

§198-302 Overlay districts. [Amended 30-20-1974 ATM by Art. 44; 4-30-1975 ATM by Art. 28]

302.1.~~3~~ 2. A Federal Flood Protection District, defined as the one-hundred-year floodplain, Zones A and A1-A30, that is shown, defined and bounded on maps published by the Federal Emergency Management Agency on file with the Town Clerk and entitled "FIRM – Flood Insurance Rate Map, Town of Wayland, Massachusetts, Middlesex County," and "Floodway-Flood Boundary and Floodway Map, Town of Wayland, Massachusetts, Middlesex County," dated June 1, 1982. **[Amended 5-4-1982 ATM by Art. 17]**

302.1.~~4~~ .3. A Southeast Wayland-Cochituate Planning district that includes all land to be placed in said district by a two-thirds vote of Town Meeting, but including only such land with an area not less than 25 acres, a substantial portion of which (herein defined as more than 30%) is wet areas, as defined in §198-1402 herein, and that is located in the area shown as Residence Zone 30,000 square feet-150 feet Front bordering on the Wayland-Natick Town lines on the map entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated ~~January 29, 2002~~ December 5, 2003. **[Amended 6-16-1987 STM by Art. 3; 4-30-2001 ATM by Art. 22; 4-30-2001 ATM by Art.23; 4-29-2002 STM by Art. 5]**

302.1.~~5~~ 4. An Aquifer Protection District that is shown on a map on file with the Town Clerk entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated ~~January 29, 2002~~ December 5, 2003. The district comprises areas in the Town of Wayland where liquids or water-soluble materials placed on or below the surface of the land will migrate to the Town's municipal wells if pumping is sufficiently heavy and prolonged. For data,

standards and procedures by which the boundary of the district was established and for other details, see a report on file with the Town Clerk entitled "Aquifer Mapping Project, Town of Wayland," January 1988, by IEP, Inc., Consulting Environmental Scientists of Northborough, Massachusetts. **[Added 5-1-1989 STM by Art. 7; amended 4-30-2001 ATM by Art. 23; 4-29-2002 ATM by Art. 5]**

302.1.~~6~~ 5. A Senior and Family Housing Overlay District which includes all of the following land: Parcels F and G as shown on a plan entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated ~~January 29, 2002~~ December 5, 2003 and is available at the office of the Town Clerk for public inspection. **[Added 4-28-1997 STM by Art. 5; amended 4-30-2001 ATM by Art.23; 4-29-2002 ATM by Art. 5]**

302.1.~~8~~ 6. A Wireless Communications Services District that includes the land owned by the Town of Wayland known as the "old landfill site" as shown in the Atlas of the Town of Wayland, Massachusetts, 1999, on Plates 22 and 23, Parcels 22-001 and 22-002, and known as the "new landfill site" as shown in the Atlas of the Town of Wayland, Massachusetts, 1996, on Plates 17, 21, and 22 inclusive, that portion of parcel 17-018 that is south of the line that is the continuation of the northwestern property line of parcel 22-004, Parcels 21-010A, 22-003, 22-004, 22-006 and 22-007; and the land comprising the portion of the so-called Massachusetts Bay Transportation Authority (MBTA), "right-of-way" from its boundary with the southerly sideline of Boston Post Road (Route 20) westerly to its westernmost boundary with the Town of Sudbury as shown in the Atlas of the Town of Wayland, Massachusetts, 1999, on Plates 22, 26 and 27, inclusive, and as shown on the plan entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, MA 01778, dated ~~January 29, 2002~~ December 5, 2003, a copy of which is on file in the office of the Town Clerk. **[Added 11-17-1999 STM by Art. 3; amended 4-30-2001 ATM by Art.23; 4-29-2002 STM by Art. 5]**

FINANCE COMMITTEE COMMENTS: The official zoning maps for the Town of Wayland are currently color-coded. This article proposes to change the maps to black and white. The affected maps are entitled "Town of Wayland Zoning Map" and "Town of Wayland Overlay Zoning Map". Although color-coded maps are attractive, they are expensive to produce and copy. This change will reduce the cost in producing the maps and allow them to be photocopied rather than color printed. This change results in cost savings to the Town as well as customers of the Town.

This Article also proposes to renumber certain sections of Article 3 of Chapter 198 to reflect deletion of Section 302.1.1, the Watershed Protection District and deletion of Section 302.1.7, the Cochituate Interim Planning Overlay District. Article 18 of this 2004 ATM Warrant discusses the rationale behind the deletion of Section 302.1.1. Article 19 of this 2004 ATM Warrant discusses the rationale behind the deletion of Section 302.1.7.

ARGUMENTS IN FAVOR: The article helps the Town and its customers reduce the costs associated with the production, printing and reproduction of the zoning maps. The article also deletes unnecessary sections as discussed in Articles 18 and 19.

ARGUMENTS OPPOSED: Assuming Town Meeting voters pass Articles 18 and 19, the Finance Committee is not aware of any arguments opposed.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with Massachusetts and federal law. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 20: AMEND ARTICLE 4 OF ZONING BY-LAWS RE: NONCONFORMING STRUCTURES AND USES

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198, Code of the Town of Wayland, the Zoning By-Laws, by making the following deletions (indicated in ~~strikethrough lettering~~) and insertions (indicated in underlined lettering) in §198-401.16 thereof:

401.1.6. The ZBA may, but shall not be obligated to, issue a special permit for any changes in size, location, configuration and extent of use in a nonconforming structure damaged or destroyed by natural or other involuntary causes ~~or otherwise~~, provided that the ZBA shall find that such change shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. **[Amended 5-14-1998 ATM by Art 45]**

FINANCE COMMITTEE COMMENTS: The term "or otherwise" broadens the interpretation of the language in the current section of the by-law. By inserting "or other involuntary" and striking "or otherwise", the by-law is clear that "voluntary" takedown of a nonconforming structure is not covered under this section, thereby eliminating potential conflicts in decisions rendered by regulating boards and departments. The intent of the by-law is to limit the discretion to involuntary causes of damage and destruction.

ARGUMENTS IN FAVOR: The purpose of clarifying "or otherwise" is to indicate to property owners and Zoning Board of Appeal members considering applications under this section of the by-law, that the damage or destruction must be by involuntary causes. This clarification is consistent with the draft Master Plan findings and recommendations to limit voluntary demolition of property particularly in areas of dense development or parcels that do not conform with the present zoning regulations of the Town. This clarifying language can reduce the number of situations in which an appeal of a ZBA decision leads to litigation costs for the Town.

ARGUMENTS OPPOSED: Some may believe that the ZBA should have more discretion in interpreting this section of the by-law which would argue for leaving "or otherwise" in the text.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 1 in favor of approval; 4 against approval.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with Massachusetts and federal law. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 21: AMEND FOR CLARITY, SECTIONS 505, 702.1 AND 901.1.2.1 OF THE ZONING BY-LAWS

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 (the Zoning By-Laws), §198-702.1, §198-505, and §198-901.1.2.1 of the Code of the Town of Wayland by making the following deletions (indicated in ~~strikethrough lettering~~) and insertions (indicated in underlined lettering) indicated in the following:

§198-505. ~~General~~ Performance Standards

505.1. In all zoning districts all uses shall be conducted in a manner so as not to create offensive or unreasonable noise, vibration, light, smoke, gas, fumes, odor, dust, or so as to be dangerous to the public health or safety.

§198-702.1. Setbacks
All buildings or structures in any residence district shall comply with the setbacks in § 198.801 Table of Dimensional Requirements. The setbacks shall apply to any public or private street right-of-way whether accepted or not. The setbacks shall apply to whichever distance is greater, except as provided in § 198-702.2 and 702.3 below; except that any existing lot shown on a plan or described in a deed, recorded in the Registry of Deeds, that conformed or was considered to conform to the area and frontage requirements on, but not after, January 28, 1998, shall be considered to be in compliance with this Zoning By-Law. Exempt from the setback requirement of this paragraph are roof eaves, stoops, stairs, bulkheads, chimneys and bay windows; and fences and walls up to six feet in height from the existing natural topography. **[Amended 5-14-1998 ATM by Art. 51; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art 11]**

901.1.2.1 **[Added 4-30-2001 ATM Art. 2]**
The use of the dwelling unit, or ~~where permitted,~~ an accessory structure, by the resident for business is incidental and subordinate to its use for residential purposes and occupies no more than 25% of the gross floor area of the dwelling unit or 500 square feet, whichever is less, within the dwelling unit or accessory structure on the premises;

FINANCE COMMITTEE COMMENTS: This article is intended to provide clarification within the above sections of the Zoning By-Law: The first amendment proposes renaming of §189-505 from "General" to "Performance Standards". The term "Performance Standards" more appropriately describes the intent of Section 505 which delineates the standards to which all uses in the Town must meet.

The second amendment proposes the inclusion of "bulkheads" in the list of housing elements, such as stairs, chimneys and roof eves, which are exempt from the setback requirements. Bulkheads are elements of a structure that provide access to a specific floor, such as stairs, and are a requirement of the Building Code. During the construction of or addition to a structure, bulkheads are often relocated. By excluding bulkheads from the measurement of setbacks, they can be placed to provide the most logical, safe and convenient access to the basement. The addition of the term "bulkhead" will eliminate the need to redesign a house or addition to accommodate a bulkhead and will discourage the relocation of a bulkhead to a section of the house that does not provide the most appropriate access.

The third amendment clarifies that accessory structures can be used for home occupations. Section 901.1.2.1 states that accessory structures are able to be used for home occupations "where permitted." The terminology "where permitted" leads an applicant to believe that an additional approval is

required for an accessory structure that is to be used for a home occupation. The definition of "home occupation" clearly specifies that an accessory structure can be used for a home occupation. This amendment reinforces that definition and eliminates the confusion.

ARGUMENTS IN FAVOR: This article clarifies elements of the Zoning By-Law that have been either unclear or contrary to other sections of the By-Law. The proposed amendments provide better direction to the Building Commissioner, more clarification to the Zoning By-Law and curtail the confusion in how these sections are interpreted.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments opposed.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with Massachusetts and federal law. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 22: AMEND ZONING BY-LAWS RE: AQUIFER PROTECTION DISTRICT

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws, Article 16, by making the following deletions (indicated in ~~strikethrough lettering~~) and insertions (indicated in underlined lettering):

1603.2. Prohibited uses.

The following uses are specifically prohibited within the Aquifer Protection District:

~~i.~~1603.2.1. Sanitary landfills and open dumps as defined in 310 CMR 19. 006; disposal or stockpiling of solid wastes, other than brush and stumps; and disposal of brush or stumps by burial with less than four feet of clearance above the maximum water table, as defined by the Board of Health. Landfills receiving only wastewater residuals and/or septage. ~~Landfilling of sludge and septage as defined in 310 CMR 32.05.~~ Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.

~~ii.~~ 1603.2.2. Junkyards or motor vehicle salvage operations. as defined in Massachusetts General Laws Chapter 140B Section 1.

~~iii.~~ 1603.2.3. Storage of deicing chemicals~~, except calcium chloride, potassium chloride, and calcium magnesium acetrate,~~ unless such storage and required loading areas are within a weatherproof structure having an impervious floor designed to prevent the generation and escape of contaminated runoff or leachate and only if all loading and unloading will be done within that shelter, with provisions for a separate closed drain system for safe disposal.

~~iv.~~ 1603.2.4. Stockpiling/Disposal of snow transported into the district containing deicing chemicals.

~~v.~~1603.2.5. Dry-cleaning establishments where cleaning is performed on the premises in open or non-self contained units.

~~vi.~~1603.2.6.Commercial establishments for the plating, finishing, etching or polishing of metals or semiconductors.

~~vii.~~ 1603.2.7. Painting, wood preserving, wood finishing or stripping paint on a commercial scale or on a scale more than that which is required for maintenance of existing structures and facilities.

~~viii.~~1603.2.8. Manufacture of semiconductors or other electronic components or electronic circuit assembly on a commercial scale where hazardous materials are used.

~~ix.~~ 1603.2.9.Chemical or bacteriological laboratories on a commercial scale.

~~x.~~ 1603.2.10.Commercial establishments for printing, photocopying or photographic processing where the processing is performed in open or non-self contained units.

~~xi.~~1603.2.11.Storage of liquid petroleum products, except the following:

a) normal-household use, outdoor maintenance, and heating of a structure.
b) waste oil retention facilities required by statute, rule, or regulation
c) emergency generators required by statute, rule, or regulation
d) treatment works approved under 314 CMR 5.00 for treatment of ground and surface waters;

provided that such storage, listed in items a. through d. above, meets the requirements of 1603.3.10 ~~subsection (xi)~~.

~~xii.~~ 1603.2.12. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the US Geological Survey, except for excavations for building foundations, roads, or utility works.

~~xiii.~~1603.2.13. Hotels or motels.

~~xiv.~~1603.2.14. Any other use that includes~~, as a principal component~~ the generation, the manufacture, use, transportation or disposal of toxic or hazardous materials ~~waste~~, except for the following:~~.~~

a) Very small quantity generators as defined under 310 CMR 30.000;
b) Household hazardous waste centers or events operated pursuant to 310 CMR 30.390;
c) Waste oil retention facilities required by MGL c. 21, §52A; and
d) Treatment works approved by DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters.

~~xv.~~1603.2.15. Any floor drainage system in existing facilities, in industrial or commercial process areas or hazardous material and/or hazardous waste storage area, which discharge to the ground without a DEP permit or authorization. Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR 2.00) or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies.

1603.2.16. Treatment or disposal works subject to 314 CMR 5.00 for wastewater other than sanitary

sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) (Title 5), except the following:

a) The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
b) Treatment works approved by the DEP designed for the treatment of contaminated ground or surface waters operated in compliance with 314 CMR 5.05(3) or 5.05(13); and
c) Publicly owned treatment works or POTW's.

1603.2.17. Petroleum, fuel oil, and heating oil bulk stations and terminals including but not limited to those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes are established by the US Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual, and any other subsequent amendments.

1603.2.18. Storage of commercial fertilizers, as defined in Massachusetts General Laws Chapter 128, Section 64, unless stored within a structure designated to prevent the generation and escape of contaminated runoff or leachate.

1603.2.19. Storage of animal manure unless stored within a structure designated to prevent the generation and escape of contaminated runoff or leachate.

1603.3 Special permit uses.

The following uses and activities are permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:

i. 1603.3.1. Golf courses, whether public or private.

ii. 1603.3.2 Commercial cabinetry or furniture making. (Note that painting, wood preserving, wood finishing and stripping of paint are prohibited).

iii. 1603.3.3. Cluster developments, planned developments and other forms of flexible development that require special permits under other articles of this Zoning By-Law.

v. 1603.3.4. Any use with the exceptions of uses described in ~~(vi)~~ 1603.3.5 and ~~(viii)~~ 1603.3.6 below, where the design flow of sanitary waste exceeds a total of 10,000 gallons per day for the entire project.

~~vi.~~ 1603.3.5. Municipal wastewater treatment facilities with on-site disposal of effluent from primary or secondary treatment. (See also 198- 1603.2.1 ~~(i)~~ herein.)

~~vii.~~ 1603.3.6. ~~Individual on-site sewage disposal systems (in compliance with Title V of the State Environmental Code) serving all uses in residential districts which discharge more than 550 gallons per day per 40,000 square feet of lot area; and individual on-site sewage disposal systems (in compliance with Title V of the State Environmental Code) serving business, industrial, or institutional uses in all other districts which discharge more than 1000 gallons per day per 40,000 square feet of lot area. The replacement or repair of an existing system that will not result in an increase in design capacity above the previously approved design is not prohibited. Requests to increase the capacity of individual sewage disposal systems and those proposed for undeveloped lots above these limits may be permitted upon a written certification by the Wayland Board of Health that a valid nitrogen loading analysis approved by the DEP has been completed which~~

~~demonstrates that the DEP drinking water performance goal for nitrates of 5 MG/L will not be exceeded in any water supply well. On residentially zoned lots legally in existence as of the effective date of this By-Law, which contains less then~~ than ~~40,000 square feet of area, the discharge rate of any individual sewage disposal system shall be permitted up to a maximum of 500 gallons per day. The replacement or repair of an existing system that will not result in an increase in design capacity above the previously approved design capacity is not prohibited hereunder.~~ Individual on-site sewage disposal systems shall comply with Board of Health and DEP requirements for the installation of septic systems in DEP recognized Zone II areas.

~~viii.~~ 1603.3.7. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under 1603.2). Such activities shall require a special permit to prevent contamination of groundwater.

~~ix.~~ 1603.3.8. Any other use that involves, as an accessory activity, the storage, use, transportation or disposal of toxic or hazardous materials, not including ordinary household storage or use.

~~x.~~ 1603.3.9. Nursing homes or hospitals.

~~xi.~~ 1603.3.10. Storage of liquid hazardous materials as defined in M.G.L. c 21E and/or liquid petroleum products unless such storage is above ground and on an impervious surface and either:

~~a. above ground and~~

~~b. on an impervious surface, and~~

~~c. either~~

~~(i)~~ a. in container(s) or above ground tank(s) within a building or

~~(ii)~~ b. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers or 110% of the largest containers storage capacity whichever is greater.

However these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storage of gasoline provided that the replacement is performed in a manner consistent with state and local requirements.

~~xii.~~ 1603.3.11. The application of pesticides, including herbicides, insecticides, fungicides and rodenticides for nondomestic or nonagricultural uses in accordance with state and federal standards. If applicable the applicant shall provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00.

1603.4. Site Plan Approval Uses

The following uses and activities are permitted only upon the issuance of a Site Plan approval in accordance with Article 6. The Planning Board shall include the standards and criteria of this Article 16 in addition to those contained in Article 6.

~~i.Storage of commercial fertilizers, as defined in Massachusetts General Laws Chapter 128, Section 64, such storage shall be within a structure designated to prevent the generation and escape of contaminated runoff or leachate.~~

~~ii.Storage of animal manure covered or contained in accordance with the specifications of the US Soil Conservation Service.~~

~~iii.~~ 1603.4.1. Commercial or municipal facilities for the washing, servicing or repair of boats or motor vehicles.

~~iv.~~ 1603.4.2. Dry-cleaning establishments wherein the dry cleaning materials are completely self-contained and all the disposal of such materials is off site. The operation and maintenance of this use shall require periodic inspections in accordance with 1606.8.1.5

~~v.~~ 1603.4.3. Commercial establishments for printing, photocopying or photographic processing; wherein the processing materials are completely self-contained and all the disposal of such materials is off site. The operation and maintenance of this use shall require periodic inspections in accordance with 1606.8.1.5

~~vi.~~ 1603.4.4. Commercial laundries.

FINANCE COMMITTEE COMMENTS: The purpose of the amendments to the Aquifer Protection District is to make the by-law consistent with the requirements of 310 CMR 22.21 (2), (i.e. the Massachusetts Drinking Water Regulations) as required by the Department of Environmental Protection (DEP).

The creation of an Aquifer Protection District By-Law is required by the Water Management Act (310 CMR 36.00). All public water supplies are covered by a Water Management Act permit and are subject to 310 CMR 36.28, which requires the delineation of the "Zone II" (the area of influence for a public well's water supply) and adoption of municipal land use controls according to the Massachusetts Drinking Water Regulations.

The Drinking Water Regulations specify that threatening land uses must either be prohibited or restricted within the Zone II. The Town's Aquifer Protection District By-Law was drafted and adopted to comply with State requirements. The proposed amendments bring the by-law in line with recent changes of the State regulations addressing Zone II's and the protection of public water supplies.

It is the understanding of the Finance Committee that no current business or residence is adversely affected by these changes.

ARGUMENTS IN FAVOR: The purpose of the proposed article is to bring the Town's Aquifer Protection District in compliance with State regulations. In addition to making the by-law conform to State requirements, the amendment provides additional protections to the Town's aquifers, thereby protecting our water supply.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments opposed.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law

amendments are consistent with Massachusetts and federal law. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 23: AMEND ZONING BY-LAWS RE: EARTH REMOVAL

Proposed by: Planning Board

To determine whether the Town will vote to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws, by amending (1) Article 1, §198-104.2 thereof by adding the following definitions; and (2) Article 5, §198-504. thereof by making the following deletions (indicated in ~~strikethrough lettering~~) and insertions (indicated in underlined lettering):

§198-104.2. Definitions

Earth - "earth" shall include soil, loam, sand, gravel, clay, rock or other natural minerals and peat.

Movement - "Move or Movement" shall mean to dig, excavate, remove, deposit, fill, grade, replace, level, or otherwise alter or change the location or contour of land.

§ 198-504. Earth ~~removal~~ movement. [Amended 5-14-1998 ATM by Art. 47]

504.1. ~~The removal of sod, loam and gravel, stone or other earth materials from any premises in any district, including such removal to effect topographical changes, shall be allowed only if a~~ No earth in excess of 50 cubic yards shall be moved on any parcel of land in any district less than 40,000 square feet in area and no earth in excess of 150 cubic yards on any parcel of land in any district 40,000 square feet or more unless a special permit from the ZBA is obtained in accordance with the procedure provided in § 198-203, and only under such conditions as the ZBA may impose, with the following exceptions:

> 504.1.1. ~~Removal necessary for the construction or alteration of a building for which a permit has been issued, including the installation of walks, driveways and other appurtenances to said building, provided that the quantity of material to be removed as certified by a registered professional engineer or land surveyor, or the Town Surveyor, does not exceed that displaced by the building, walks, driveways and other appurtenances.~~ Where necessary as a part of farm or nursery activities.
>
> 504.1.2. Where the amount of earth to be moved is limited to the volume of the foundation and basement of the primary structure, or excavation for, septic systems, driveway, and walkways. The quantity of material to be moved shall be certified by a registered professional engineer or land surveyor.
>
> 504.1.~~2.~~3. ~~Removal from~~ Where the movement is on Town-owned land or to be transferred between or among such parcels.

504.2. Nothing contained in § 198-504.1. shall prevent the continued use of any land for the purpose for which it is used at the time § 198-504.1. takes effect or prevent the use of any land for farms, gardens, nurseries, cemeteries, parks, playgrounds and such purposes as are incidental to, or usual in connection with, any of said purposes.

504.3. Before a special permit is issued, the applicant shall show to the satisfaction of the ZBA that the ~~removal~~ movement will not impair the usability of the area for the purposes permitted in this Zoning By-Law, that the grades to be established within the area will permit vehicular access to the area and the continuation of streets from the abutting premises, and that the area may ultimately be developed compatibly with the neighboring land.

504.4. The ~~removal~~ movement of ~~sod, loam, sand, gravel or quarried stone~~ earth from within a subdivision, the plan of which has been approved by the Planning Board and duly recorded in the Middlesex South District Registry of Deeds, shall be permitted as of right when and to the extent that such is necessary for the lawful construction or alteration of a way shown on said plan or for the lawful installation of utilities, drainpipes or drain structures in said subdivision, provided that the quantity of ~~sod, loam, sand, gravel or quarried stone~~ earth so ~~re~~moved shall not exceed that in place in the particular space to be occupied by such way, utilities, drainpipes or drain structures, and subject to any requirements made by the Planning Board endorsed or referred to on the plan of such subdivision.

FINANCE COMMITTEE COMMENTS: This article is similar to article 30 of the 2003 town meeting, which was rejected by town vote. It is included again this year because the Planning Committee regards large changes in property topography, principally during development, to be a continuing and severe problem. It amends the existing earth removal by-law, Chapter 198 Article 5 Section 504, to make it pertain not only to earth removal from a property but earth movement within a property, and at the same time sets specific limits to the amount of material which can be moved without a special permit. It also adds definitions for "earth" and "movement" to Chapter 198 Article 1 Section 104.2. Certain activities are exempted as is earth movement on or from Town owned land. This article differs from the 2003 article in that it is somewhat more restrictive because it does not allow earth excavated for accessory structures, swimming pools, tennis courts, basketball courts, or patios to be exempted from the earth removal limits.

ARGUMENTS IN FAVOR: The proposed amendments will help to ensure that major earth removal and earth moving activities, such as have previously taken place in Wayland, do not in the future negatively impact adjacent properties and the landscape. Excessive and uncontrolled earth movement can result in the modification of surface drainage patterns, loss of vegetative cover, and change the character of a neighborhood or landscape.

ARGUMENTS OPPOSED: The proposed amendments place new regulations and limits to the amount of topographic change an owner may make to a property without the time and cost of procuring a special permit. This increased regulation may be viewed as unduly restrictive, and an intrusion on the rights of the property owner. Because materials from excavations for house foundations, septic systems and driveways are exempted, in addition to farms, nurseries, gardens, and Town land, movements of material are really not controlled.

RECOMMENDATION: The Finance Committee recommends against approval. Vote 0 – 5 – 2.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40A, Section 5.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with Massachusetts and federal law. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 24: FUND THE REWRITING OF THE ZONING BY-LAWS

Proposed by: Planning Board *Estimated Cost: $30,000*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Planning Board to engage the services of a consultant or consultants for the purpose of the rewriting of the Zoning By-Laws of the Town; and to determine whether such appropriation shall be provided by taxation, transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, by gift, or otherwise.

FINANCE COMMITTEE COMMENTS: Wayland was one of the earliest towns to have zoning regulations. The efforts date to the early 1930's, while the present by-law was adopted in 1972. It has now grown to 112 pages and since 1972 has accumulated over 250 changes. As a result the various boards, commissions and staff which are charged with using it feel that there are inconsistencies and difficulties in interpreting it to the extent that the Town would greatly benefit in a review and overhaul of the entire by-law by outside professional help. The product will be a better land use guide that reflects the policies and procedures of the Town and is more easily accessible to both applicants and regulators. The overhaul is a task recommended by the Town Master Plan, which will have been finalized prior to commencing the project.

ARGUMENTS IN FAVOR: A consistent and well-written by-law will provide a solid foundation for regulatory decisions and a clearer set of rules for applicants. It should help to reduce the number of zoning amendment articles which are brought before the Town meeting each year, and the overhaul will be an opportunity to address many of the recommendations that are part of the Town Master Plan.

ARGUMENTS OPPOSED: Since the overhaul depends on the final Master Plan, it would be better to wait until the Plan is adopted and promulgated before authorizing the overhaul, because parts of the Plan which could be controversial might otherwise be written into the code. Rewriting will probably make the code more restrictive, rather than simpler, and result in more regulation, and it is doubtful if the number of changes will lessen in the future. It is also difficult to see why the code cannot be rewritten by the present staff rather than going to outside help, at a time when budgets are under pressure.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 1 – 6 – 0.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 25: ACQUIRE GILBERTS' PROPERTY, LOTS A AND B OFF BRACKET ROAD

Proposed by: Planning Board

To determine whether the Town will vote to:

a) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift, eminent domain, or otherwise, for conservation purposes, the fee or any lesser interest in all or part of the parcels of land located off Brackett Road, Wayland Massachusetts, containing, in the aggregate, 53,409 square feet , more or less, shown as

Parcels A and B on a plan entitled "Proposed Lot Layout Victoria Woods Wayland, MA." Dated November 6, 2003, prepared by Sullivan, Connors & Associates, a copy of which plan is on file in the Office of the Town Clerk;

b) appropriate a sum of money to compensate the owner and/or acquire said parcels of land; and

c) provide for said appropriation by taxation, transfer from unappropriated available funds, transfer from funds appropriated for other purposes, by borrowing or otherwise.

FINANCE COMMITTEE COMMENTS: Since the Town's acquisition of the land referred to in this article is dependent on a signed legal settlement between the Town and the property owner and, as of the date of the warrant printing, there is no signed settlement agreement, the Finance Committee reserves comments on this article until Town Meeting.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40, Section 14, and Chapter 44, Section 7. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 26: REMOVAL OF OVERHEAD WIRES

Proposed by: Planning Board

To determine whether the Town will vote to amend the Code of the Town of Wayland by adding the following provisions to Chapter 177, Utilities, Underground:

Any person, firm, corporation, partnership, their agents and employees, who has been granted, or may be granted, any license, permission, or other authority to construct or maintain poles and overhead wires and associated overhead structures upon, along, under or across any public way or ways, is forbidden from installing or constructing, and shall remove immediately any poles, overhead wires and associated overhead structures which are located on, along, or across the following sections of roadway:

Cochituate Village: Rt. 30 and Rt. 27 that pass through the Village center - along Rt. 30 from a point in the right-of-way at the southeast corner edge of Lot 51D-72 at the corner of Winter Street and Commonwealth Road on the east to Pemberton Road on the west, Rt. 27 from the East Plain / West Plain Street intersection on the north to the Natick Town line on the south, East Plain Street easterly from Main Street to Leary Street, and West Plain Street from Main Street westerly to a point in the right-of-way in line with the western edge of Lot 51B-73 at the corner of West Plain and Main streets.

Project costs paid by utilities and recovered by a capital contribution of a 2% yearly surcharge on its total bill to each customer shall include all "utility's service facilities" and "customer's service facilities" as defined in Massachusetts General Laws Chapter 166, Sections 22H and 22I, respectively.

FINANCE COMMITTEE COMMENTS: The purpose of adopting a by-law requiring removal of overhead utility wires and their re-location underground is to enhance the public safety, convenience, aesthetics and welfare of Wayland. Approval of this Article will permit the Town to (a) prohibit new installation or construction of, or (b) require progressive removal of poles and overhead wires and associated overhead structures within the area of Cochituate Village described in the article. A by-law adopted at ATM 2004 would not take effect until January 1, 2006.

Removal of utility poles and overhead wires including relocation underground has been discussed in Wayland for many years. It was a recommendation of the Growth Policy Committee in 1998 as part of its Economic Development package that recommended aesthetic improvements for the Town centers as a means of contributing to the economic development of the Town centers. It now is a recommendation included in the draft Master Plan.

The costs of removing the utility poles and overhead wires including relocation underground, as well as the cost of removing and burying any fire alarm wires, would be born by all utility users in the Town, including residential, commercial and municipal customers of electric, cable and telephone services. These costs, estimated at $5.2 million for the project, would initially be borne by the utilities, which in turn would recoup them through a 2% surcharge on all the utility users in the Town of Wayland until the costs of the project have been paid.

The costs of bringing the utility wires from the underground location in the street to the affected buildings, and the related utility hook-ups required by the project, would be borne by the owners of each building. Abutters of affected areas, including residences, businesses and Station Two in Cochituate, would have this additional one-time cost of carrying the utilities from the street to their building(s.) In other Towns, the utilities have agreed to bring the utility conduits from the street to the buildings, so that only the hook-up costs would be borne by the utilities' customers. In addition, any fire and police wires and transformers would have to be relocated.

NSTAR has provided consumption figures for 2002. At 2% per year the NSTAR users in Wayland would pay about $210,000 per year. The average estimated surcharge for residential users would be $29 per year and the average estimated surcharge for the commercial and industrial users would be $131, based on the amount of consumption in each category. The Town would pay 2% on $119,000 for street lighting and 2% on $625,000 for electricity provided to other Town-owned property, or about $14,880. The estimates for telephone are based on assumptions of average bills of approximately $70 per month or $840 per year so that 2% would be $16.80 per residence per year. The Town's telephone bills were about $124,000 last year so 2% would be $2,480. Costs estimates for the cable are calculated differently and are estimated to be $4.20 per month per cable customer for six years.

ARGUMENTS IN FAVOR: The removal of overhead wires and poles and the relocation underground will create improved safety and reliability. Aesthetics will be substantially improved which generally affects the business climate and the valuation of property in a positive way. The importance of adopting this by-law for Cochituate Village now is so that it can be an integral part of any future plans to reconstruct the intersection of Commonwealth Road and Main Street.

Cochituate Village will be improved by the removal of overhead utility wires and poles:

- *Improved safety*: The removal of utility poles will improve sight distances for motorists.
- *Reduced storm damage*: Above ground wires tend to be more susceptible to damage by wind and limbs of trees in stormy conditions than underground cables.
- *Improved aesthetics & less maintenance*: The overhead wires are unsightly and trees growing near the wires need to be constantly trimmed or removed.
- *Improved business climate*: The improved aesthetics of the area will make it more attractive to motorists and pedestrians, which should have a positive affect on the businesses.
- *Improved valuation*: The value of the properties in the areas should be positively affected.

The importance of adopting this by-law for Cochituate Village now is so that it can be an integral part of any future plans to reconstruct that intersection.

ARGUMENTS OPPOSED: The cost to the utilities of implementing the removal of poles and wires and relocating them underground is passed onto all users in the community by a 2% surcharge on each utility user's bills, including residences, businesses and the Town, for the number of years that it takes to pay for the project. The Town will incur this surcharge for all of the Town property and utilities, including the street lights. In addition, abutters of affected areas will have additional costs to bring the utilities from the street to the building(s) on their property and for the related hook-ups, The Town of Wayland will incur these costs for any affected Town-owned buildings, including Station Two. In addition any fire and police wires and transformers would have to be relocated. Many of the costs of these projects are not yet known and they would impact the entire Wayland community.

RECOMMENDATION: The Finance Committee recommends approval. Vote 4 – 2 – 1.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law. (SEE PLANNING BOARD REPORTS AT APPENDIX D)

ARTICLE 27: AUTHORITY TO CONSTRUCT WAYLAND VETERANS MEMORIAL

Proposed by Veterans Memorial Committee

To determine if the Town will vote to (a) accept a proposed design for the Wayland Veterans Memorial as the basis for the Veterans Memorial Committee to acquire and construct said memorial.; and (b) authorize the Board of Selectmen to designate the Wayland Veterans Memorial Committee to act as the Selectmen's agent to erect said veterans memorial, consistent with said design, on the site near the entrance to the Wayland Town Building approved by vote of the Town under Article 22 of the Warrant for the 2003 Annual Town Meeting, provided that said committee demonstrates to the satisfaction of the Selectmen that sufficient funds raised from private donations are available to acquire and erect said veterans memorial.

This design is the result of a deliberate process that began with citizen dialogue, concept development, further refinement, design review, public hearings and periodic interaction with monument suppliers. Town Meeting approval is the final step in the design process leading up to acquisition.

After careful review and public hearings, the Wayland Veterans Memorial Committee voted unanimously to recommend this design. Your approval of this design will enable the committee to proceed with the memorial acquisition and construction. (See Proposed Design at Appendix E.)

FINANCE COMMITTEE COMMENTS: The Veterans Memorial Committee (the "VMC") recommends that the proposed design for the Wayland Veterans Memorial be acquired and constructed at no cost to the Town. Construction of the memorial will not begin until all the required money has been raised from private sources, at which time the Selectmen would direct the VMC to act as its agent to acquire and construct the memorial. The VMC has already raised over $80,000 from private sources versus a goal of over $120,000, and will not ask the Town for any funding. Last year under Article 22 the Town approved the VMC recommended site near the entrance to the Town Building and endorsed an earlier version of the design for obtaining cost estimates and for further refinement.

The initial cost estimates obtained for the endorsed design, with contingencies, were approximately $150,000, including the need to design and include a reinforced foundation after soils testing performed on the site showed the need for it. Also, several design changes have since been made to reduce cost and the cost estimates for the new design, recommended by the VMC, are in the range of $77,000 to $90,000, with options for some elements to be acquired as "in-kind" donations/discounts representing possibly another reduction of $15-20,000.

The theme of the memorial - *A Celebration of Freedom* - represents the enduring gift of those who served in America's military, the opportunity to live in a constitutional democracy with freedom and justice for all. This theme both honors those who served and is a reminder to current citizens to cherish and protect their freedoms. This memorial is to be a refuge to meditate on the sacrifices of those who served the cause of freedom and a sanctuary to appreciate the freedoms we enjoy and the responsibility to pass them on undiminished to future generations.

The principal designer is a long time Wayland resident, a veteran, and an internationally recognized artist. The design team volunteered its services, conservatively estimated at over $40,000, for the preliminary design, which was endorsed last year. Objections were taken into consideration and responsive changes were made. Cost has been substantially reduced. A public hearing on March 10 offered a detailed presentation of the recommended design and citizen comment was invited.

ARGUMENTS IN FAVOR: Construction of the memorial will not begin until all the required money has been raised from private sources. The VMC has already raised over $80,000 from private sources and will not ask the Town for any funding. The design enjoys a broad base of public support and favorable comment. The sources of funds are broadly based: at least half has been donated by "young families," local businesses have given or pledged more than $12,500, and there are hundreds of donors, some giving more than once. Many "out-of-towners" have contributed. Donations range from $3 to $10,000. The Wayland High School student body enthusiastically raised $750 and the 50th WHS Reunion Class of 1953 donated $1000.

ARGUMENTS OPPOSED: Not everyone wants a memorial honoring military veterans. Some are against memorials of any kind or think too many already exist. Some do not like this design or feel this memorial is too elaborate or not consistent with traditional memorials in Wayland (bronze plaque on rock). Once the memorial is constructed there may be some ongoing future maintenance costs.

RECOMMENDATION: The Finance Committee recommends approval. Vote 6-0-1.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 41, Section 23C.

ARTICLE 28: FUND IMPROVEMENTS TO PUBLIC MEMORIALS AND MONUMENTS

Proposed by: Board of Selectmen and Public Ceremonies Committee *Estimated Cost: $5,000*

To determine whether the town will vote to appropriate a sum of money to be expended by the Historical Commission to make repairs and improvements to approximately thirty historic markers, memorials and monuments; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: The Community Preservation Committee (the CPC"), at its February 12, 2004 meeting, voted unanimously to allocate $5,000, for one year July 1, 2004 to June 30, 2005, in Community Preservation Act ("CPA") funds to restore or repair existing historical monuments or memorials, fifty years or older, contingent on the Wayland Selectmen designating a body or organization responsible for the project prior to the Annual Town Meeting. Such party or organization is then to make periodic status reports to the CPC. According to the CPC, the use of CPA funds is appropriate for this purpose and the CPC supports it if the Selectmen designate a responsible party.
This past year, a specially appointed study group assessed the condition of Wayland's numerous markers, plaques, benches, monuments, historic sites and stone bridges – all placed and commemorated, one by one, honoring predecessors and Wayland's role in the story of our country. Because many of these memorials and sites of remembrance are old and have not had proper care, they now need maintenance to continue to honor those for whom they are named.

This article speaks to the need for long-term, continuing maintenance to improve and beautify the sites and memorials by providing continuing care and annual examinations. Required will be oversight, planning and budgeting, and the flexibility to adjust to changing circumstances as time passes. The Historical Commission will be responsible for overseeing, cataloging, inspecting and recommending repairs of "historic markers, memorials and monuments" in town because they are most knowledgeable and skilled, with a historical view. The Historical Commission would send their recommendations to Park and Recreation Department where planning (including budgeting as necessary) and implementation of any maintenance or repairs would be carried out. The Historical Commission will also prepare and deliver an annual report to the Park and Recreation Department on the status of the sites and memorials.

ARGUMENTS IN FAVOR: The annual maintenance and beautification of Wayland's sites and memorials will ensure that they are well taken care of for the benefit of all town residents. The CPC has voted to make $5,000 available to cover the expenses, if the selectmen can designate a body or organization responsible for the project, prior to the annual town meeting. The historical commission and the park & recreation department have agreed to jointly oversee the project.

ARGUMENTS OPPPOSED: It is not clear how future costs, after the initial year which is funded by the $5,000 from the CPA funds, will be funded. Nor is it clear what level of expense is required to either restore those sites and memorials that require it, or to maintain them on an ongoing basis. It may then be up to the Town to pay the ongoing costs or costs in excess of the $5,000 contingently committed by the CPA.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7. (SEE MAP AT APPENDIX F)

ARTICLE 29: FINAL APPROPRIATION FOR THE PUBLIC SAFETY BUILDING CONSTRUCTION PROJECT

Proposed by: Board of Selectmen *Estimated Cost: $125,000*

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Selectmen to provide final compensation for the General Contractor and Architect of the Public

Safety Building and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth or the Federal Government, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: The Town has previously approved appropriations in the aggregate amount of $7,791,000 to fund the cost of construction and equipping the new Public Safety Building. The most recent request for funding came at last year's Annual Town Meeting when a total of $441,000 was included in the approved capital budget for Fiscal 2004. While it was expected that this was to be the last request for funding and so represented to the Town, there was an unresolved fee issue with the project's architect, and other items have surfaced in addition since the building was occupied.

This article asks the Town to approve the funds necessary to make final payments to the architect and the contractor, as well as funds to cover certain additional costs not foreseen in the 2004 capital request. The breakdown supporting the additional appropriation request consists of the following:

Final settlement with the architect	$73,000
Final payment to the contractor	10,631
Payment for T1 line and equipment	5,445
Allowances:	
Historic District Commission	10,750
Front sign	4,110
Voice Intercom	2,750
Dispatch window and grate	5,275
Electrical switching repair	5,000
Contingency for unpaid bills	8,039
	$125,000

Comments concerning the individual items are as follows:

- $73,000 – Final payment to the architect – The original contract for the architect ended 1 October 2002, the originally projected completion date for the building. The completion date was delayed until May 2003 and punch list work is still continuing. From October 2002 until the present the architect has provided administration and other services without a contract, accumulating approximately $150,000 in charges. Because the reasons for the delay were shared between Town and architect, he has agreed to a final payment of $73,000 to cover his work.
- $10,631 – Final payment to the contractor to cover work approved by the Building Committee.
- $5,445 – To cover the installation and set up of a T1 data line including a Cisco router. This work was done under separate contract in June 03, and is just now being billed.
- $10,750 – Allowance for Historic District Commission required changes – The HDC has issued a Certificate of Appropriateness and a Certificate of Hardship covering the Public Safety Building, which allow and accept some of the changes and additions to the building not originally agreed to by the Commission. However, the painting of some exterior items such as the vent pipes and the HVAC unit, and the deletion of a window on the east side of the building, are not acceptable to the HDC, and these items must be repainted and the window restored. The ruling of the HDC within the Historic District is binding on the town and the work must be done and paid for.
- $4,110 – To cover the installation of the front sign .The sign itself has been purchased and paid for.
- $2,750 – To cover the installation of a voice intercom between the front desk and the five prisoner's cells, and between the holding cell and the service area next to it.

- $5,275 – To cover the purchase and installation of bullet- proof glass and a metal grate on the windows of the dispatch center facing Route 27 which are exposed to the road and now unprotected. The glass has been installed.
- $5,000 – Electric switching repair. As built, a number of the lights in the building are connected directly to the emergency generator and cannot be turned off individually because no switches were installed. This is apparently in accordance with the wishes of the Fire Department at the time, but the utility cost to run these lights 24/7 is estimated at about $2500 per year, there have been complaints about the lights running all night. It is reasonable to add switches to allow the lights to be controlled, since the payback time appears to be 2 years.
- $8,039 - Contingency to cover any unknown remaining costs.

ARGUMENTS IN FAVOR: Despite the expectation that the last appropriation would be the final one, it has become evident that not everything was accounted for. These sums are reasonable and proper payments and allowances to close the project and to complete it satisfactorily. Much of the money requested is for work which has been done.

ARGUMENTS OPPOSED: The Board of Selectmen has been back to the Town twice for additional money for this project. The last appropriation of $441,000 was represented to be the final amount required and it is time to say no to any more expenditure. No more costs should have been incurred beyond the amounts appropriated, and in any event, at this point the costs to make the remaining changes requested should be known without contingencies and should be firm and not simply allowances.

FINANCE COMMITTEE RECOMMENDATIONS: The Finance Committee recommends against approval. Vote 1 – 4 – 1 .

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

ARTICLE 30: AMEND GENERAL BY-LAWS CHAPTER 91-3B, ANIMALS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend Chapter 91, §91-3, Paragraph B of the Code of the Town of Wayland by adding thereto immediately after the word Building, "under the daily supervision of the Chief of Police."

FINANCE COMMITTEE COMMENTS: This article changes the daily supervision of the Dog Officer from the Executive Secretary to the Chief of Police. Now that the new Public Safety Building is complete, our existing by-law calls for the Dog Officer to be housed in that building vs. the Wayland Town Building. Given this change, it is logical for the daily supervision of activity to fall under the jurisdiction of the Chief of Police. Also, when the Dog Officer has to respond to emergency calls, these calls typically are channeled through the joint dispatch center which also fall under the daily supervision of the Chief of Police

ARGUMENTS IN FAVOR: Since the dog officer is supposed to be housed in the public safety building, it makes logical sense that the Chief of Police supervises the dog officer. Given the position will be reduced from full-time to part-time position as part of the town's overall cost reduction effort, this enhanced level of accountability will allow the Chief of Police to deploy the dog officer in the

most efficient and effective way.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law. (SEE BY-LAW AT APPENDIX G)

ARTICLE 31: PETITION MASSACHUSETTS LEGISLATURE TO ENACT SPECIAL ACT RE: FILED SUB-BID LAW EXEMPTION FOR SCHOOL BUILDING PROJECTS

Proposed by: School Committee

To determine whether the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act providing that the school building programs of the Town of Wayland shall not be subject to the provisions of Section 44F of Chapter 149 the Massachusetts General Laws, except for the form of contract set forth in paragraph (c) of subsection (4) of said section 44F, for any future design, construction, repair, renovation, remodeling, equipping, furnishing or any partial or complete demolition of public school facilities in the Town of Wayland.

FINANCE COMMITTEE COMMENTS: Section 44F of Chapter 149 of the Massachusetts General Laws sets forth regulations and processes for municipalities to follow regarding the design, specification, bidding and construction of Public buildings and projects. One key component of the regulation is known as the Filed Sub-Bid Law. The general provisions of this law are as follows:

- Specifications of a building project must be subdivided into 17 subcontractor trades that are recognized by the Commonwealth (for example: plumbing, roofing, electrical, heating and ventilation, masonry, etc.).
- Contracts are then advertised to subcontractors and bids are collected.
- After the subcontractor bids are received, general contractors (who are ultimately responsible for project costs and schedules), select sub-contractors from the bidders list to be on their team.
- The general contractors then add their own fees and tasks and submit an overall bid for the entire project.
- Municipalities then award the contract to the general contractor on the basis of lowest bid rather than best overall package.

The Filed Sub-Bid Law was passed in 1939, when the number of subcontractors had been ravaged by the Depression. The law was meant to assure that subcontractors would not be excluded from public construction projects since, at that time, private construction projects were few.

This article seeks to exempt the Town of Wayland from following the provisions of the Filed Sub-Bid Law with regard to its public school facilities. In recent years Boston, Brockton, Everett, Malden, Medford, Milton, Revere, Waltham and Winchester have petitioned for, and been granted, exemptions

from Section 44F of Chapter 149 for their public school projects. This article appeared in the 2003 Warrant but was passed over.

It should be noted that as the Massachusetts Legislature's Special Commission on Construction Reform prepares to issue its recommendations by March 10, 2004, Governor Romney continues to call for reform of the Commonwealth's public construction laws as part of his School Building Assistance reform proposal by eliminating the filed sub-bid system. In January, 2003 Romney's municipal relief package, dubbed H.E.L.P. (Help Ease Local Pressure), proposed complete elimination of the Filed Sub-Bid Law. Also, the Massachusetts Department of Education has recommended to the General Court that all school construction projects be exempted from the Filed Sub-Bid Law.

ARGUMENTS IN FAVOR: Wayland, like most municipalities, is struggling to keep general finances under control and ensure that current and future construction projects are completed within cost and schedule parameters. According to the Pioneer Institute, a public policy research organization, many believe that the Filed Sub-Bid Law is responsible for the negative impacts of: (1) unnecessary project cost increases; (2) the creation of an adversarial relationship between general contractors and their subcontractors; (3) increased litigation between general contractors and subcontractors; (4) a tendency to proliferate change orders during construction; (5) schedule slippages and delays; (6) incentivizing defective work; (7) impeding both equal access and affirmative action for minority and women subcontractors because they have not mastered the specialized "rules of the game"; and (8) awarding contracts based solely on lowest price rather than best value. Also, the Massachusetts Department of Education and the Romney administration support elimination of the Filed Sub-Bid Law.

ARGUMENTS OPPOSED: According to the Associated Subcontractors of Massachusetts, there are no statistics anywhere showing that the Filed Sub-Bid Law increases the cost of public construction. There is no evidence that the Filed Sub-Bid Law causes more change orders, delays, cost overruns or disputes. The Filed Sub-Bid Law guarantees fair and open competition thus reducing rather than increasing costs. The Law prevents favoritism and corruption in the award of contracts and produces excellent results.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Majority – Massachusetts Constitution Amendment Article 2, Section 8(1).

(SEE M.G.L. Chapter 149 Section 44F at APPENDIX H)

ARTICLE 32: DELINEATION OF THE LOKER CONSERVATION/ RECREATION AREA

Proposed by: Board of Selectmen

To determine whether the Town will vote to instruct the Board of Selectmen to transfer the care, custody, management and control of the parcels of land on Commonwealth Road (Route 30) and Rice Road, Wayland, Massachusetts, known as the Loker Conservation/Recreation area and shown on a Plan of Land in Wayland, Massachusetts, Loker Conservation and Recreation Area, prepared by the Town Surveyors's office and dated 4/1/2004, scale: 1" = 100', from the Board of Selectmen to the Conservation Commission and/or the Parks and Recreation Commission.

FINANCE COMMITTEE COMMENTS: At town meeting in 1998, Wayland voted to acquire the

land now known as the Loker Conservation/Recreation area. The land is deed restricted for purposes of conservation and recreation only, and only through the deed or through a vote of town meeting can the town designate care & custody. As it is held now, the care and custody for the property resides with the Board of Selectmen, and the property is jointly cared for by the Conservation Commission and Park and Recreation. Some other parcels in town are managed similarly.

Last December, both Commissions voted their agreement on a management plan for the property. Now, the intent of this article is to shift care, custody, management and control of the land to the Conservation Commission and Park and Recreation. The two commissions have reviewed the parcel, and, with affirmative votes from both commissions, voted to support this article and delineate the land into areas for which each will be responsible. A map of this delineation is attached in Appendix I.

ARGUMENTS IN FAVOR: If the land remains with the Board of Selectmen, Wayland may not be eligible for certain state or federal grants for the purpose of conservation or recreation. Also, shifting care and custody to Conservation Commission and Park and Recreation will provide land usage consistent with the two commissions' interests and visions.

ARGUMENTS OPPOSED: Transferring the property from the Board of Selectmen may result in the loss of some future flexibility if a change in the use of the land is needed.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 6-0

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40, Section 15A.

(SEE MAP AT APPENDIX I)

ARTICLE 33: AMEND CHAPTER 36 OF CURRENT BY-LAWS

Proposed by: Petitioner

To determine whether the Town will vote to amend Chapter 36 of the Code of the Town of Wayland by:

a) changing the title of the chapter to "Meetings <u>and Elections"</u> <u>(underlining</u> denotes added text);

b) adding thereto the following new section:

36-1.1. Scheduling of ballot questions and special town meetings involving capital expenditures or Proposition 2 1/2 debt exclusions in excess of $2,500,000.

A. Referenda questions for capital expenditures or Proposition 2 1/2 debt exclusions in excess of $2,500,000 that are normally approved for placement on the election ballot by vote of the Board of Selectmen, shall only be placed on the ballot of a U.S. Presidential election, state biennial election, annual Town election or special election that coincides with a U.S. Presidential or state biennial election, except for instances when a different election date is required under the provisions of Massachusetts General Laws Chapter 59, Section 21C, paragraphs (i1/2) and (m)(3);.

B. Special town meetings called by the Board of Selectmen for purposes of approving the appropriation of funds for capital expenditures in excess of $2,500,000, contingent on the

passage of a ballot question described in Subsection A above following such special town meeting, shall be scheduled only on such dates that will permit compliance with the requirements of both Subsection A above and Massachusetts General Laws Chapter 59, Section 21C, paragraph (m)(3); and

C. In those instances where the Board of Selectmen determines that such a question must be placed on the ballot of a special election other than one that coincides with a U.S. Presidential or state biennial election, the Selectmen shall hold a public hearing at which the reasons for having to place the question on the ballot of a special election to be held on such other date will be presented."

c) substituting the following in place of the language noted in (b) above if, and only if, the language noted in (b) above is determined by Town Counsel or the Attorney General to be inconsistent with Massachusetts or federal law:

36-1.1. Scheduling of ballot questions involving capital expenditures or Proposition 2 1/2 debt exclusions in excess of $2,500,000.

A. Referenda questions for capital expenditures or Proposition 2 ½ debt exclusions in excess of $2,500,000 that are normally approved for placement on the election ballot by vote of the Selectmen, shall, when possible, be placed only on the ballot of a U.S. Presidential election, state biennial election, annual Town election or a special election that coincides with a U.S. Presidential or state biennial election, except for instances when a different election date is required under the provisions of Massachusetts General Laws Chapter 59, Section 21C, paragraphs (i1/2) and (m)(3);

B. Special town meetings called by the Board of Selectmen for purposes of approving the appropriation of funds for capital expenditures in excess of $2,500,000, contingent on the passage of a ballot question described in Subsection A above following such special town meeting, shall be scheduled only on such dates that will permit compliance with the requirements of both Subsection A above and Massachusetts General Laws Chapter 59, Section 21C, paragraph (m)(3); and

C. In those instances where the Board of Selectmen determine that such a question must be placed on the ballot of a special election other than one that coincides with a U.S. Presidential or state biennial election, the Selectmen shall hold a public hearing at which the reasons for having to place the question on the ballot of a special election to be held on such other date will be presented."

FINANCE COMMITTEE COMMENTS: From time to time, the Selectmen are asked to place referenda questions relating to capital expenditures or Proposition 2 ½ debt exclusions before the Town's voters. Some of these ballot questions, if approved, result in the expenditure of large sums of money, e.g., greater than $2,500,000. Examples include the ballot questions related to the initial funding requests for construction of the new Public Safety Building and recent Middle School addition and renovation project, as well as the anticipated upcoming request for the High School modernization and expansion project.

The Petitioners believe that these large financial requests should be placed on the ballot of elections that historically have large voter participation. Such elections include the U.S. Presidential election, every four years, the state biennial election, every two years, and the annual Town election. Special elections scheduled to coincide with the U.S. Presidential and state biennial elections would also

provide a similar opportunity for wide spread voter participation. The goal is to achieve a broad based indication of support or lack of support for the requested expenditure or the amount of the expenditure.

Massachusetts law provides for a limited number of required time frames within which certain votes at annual and special elections must be held. The petitioners' proposed bylaw amendment provides for an exception for each of these limited circumstances.

In order to ensure compliance Massachusetts law without sacrificing the intent of the proposed bylaw, the petitioners also have included a provision that would require that certain special town meetings called by the Board of Selectmen, for purposes of approving the appropriation of funds for capital expenditures in excess of $2,500,000, be scheduled only on such date(s) that would permit compliance with the requirements of both the proposed bylaw and Massachusetts law.

While the Petitioners would prefer to limit the elections at which questions involving large capital expenditures or Proposition 2 ½ debt exclusions are placed before the voters to those with historically high voter turnout, it is possible that the Attorney General will determine that such limitation is inconsistent with Massachusetts or federal law. Therefore, a less restrictive version of the proposed bylaw amendment also has been included in c) above as part of this article.

In both cases, the purpose of the public hearing, if needed, is for the Selectmen to present and discuss the reasons why a special election must be held on a date that does not coincide with a U.S. Presidential or state biennial election.

ARGUMENTS IN FAVOR: Placing referenda questions relating to large capital expenditures, or Proposition 2 ½ debt exclusions, before the Town's voters at special elections (other than those that coincide with a U.S. Presidential or state biennial election) potentially limits the opportunity for large voter participation. Examples would include special elections held in December, January or February or July and August, times during which many voters may be out of town on vacation. In addition, elections held during the winter months may make it difficult for some voters to get to the polls, and although absentee ballots can be requested by these individuals, it makes voting that much more of a burden and, as a result, many do not vote. Off-cycle elections historically produce lower voter turnout.

Ballot questions regarding large capital expenditures and Proposition 2 ½ debt exclusions deserve to be voted on by as many registered Town voters as possible. The U.S. Presidential, state biennial and Town annual elections historically attract the largest voter turnout and should be used for placing such ballot questions before the Town's voters. Setting the financial threshold at $2,500,000 limits the proposed election restrictions to only the largest projects in Town and does not limit the Selectmen's ability to use special elections for Proposition 2 ½ operational overrides, or for capital expenditures, or Proposition 2 ½ debt exclusions requesting less than $2,500,000. Having such a by-law in place would place every board, committee and Town department on notice that large capital requests should be planned in such a way as to coincide with either a U.S. Presidential, state biennial or annual Town election.

In addition, by requiring that such capital requests be made at regularly scheduled elections, the Town would not have to incur the additional costs related to holding a special election. Such costs could amount to as much as $6,000 per special election.

ARGUMENTS OPPOSED: This article is an unnecessary restriction on the Town government, which will limit the powers of the Board of Selectmen who have the authority to call a special election at any time for any purpose. There is a mechanism in place for all ballot questions for municipalities,

and to add such stipulations would just complicate the procedure currently in place. Massachusetts law authorizes the Board of Selectmen to place debt exclusion referenda on the ballot at any time.

Although no Town bylaw may divest the Board of Selectmen of a power conferred upon it by statute, and although Town Counsel has concluded that the proposed bylaw is not inconsistent with State or federal law, it is possible that the Attorney General will determine that such limitation is inconsistent with Massachusetts or federal law.

Also, to require Board of Selectmen to have a public hearing before a special election takes away from their power to act as the chief elected officials of the Town. In addition, it is incumbent upon each and every registered voter in the Town to exercise their right to vote – if voters do not vote in any election it is their choice not to vote at the polls or by absentee ballot.

In certain instances, placing a ballot question regarding a capital expenditure or Proposition 2 ½ debt exclusion in excess of $2,500,000 before the voters at a special election (not otherwise coinciding with a U.S. Presidential or state biennial election) may be needed to keep the project on a particular timetable. Waiting for an annual Town election (or U.S. Presidential or state biennial election) may cause that timetable to be delayed and could result in additional cost to the taxpayers and/or possible disruption to Town services.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee recommends against approval 4 –2.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent within Massachusetts and federal law. Further, it is the opinion of Town Counsel that the foregoing by-law amendments do not divest the Board of Selectmen of a power conferred by statute. (SEE APPENDIX J)

ARTICLE 34: AMEND CHAPTER 36 OF CURRENT BY-LAWS (36-1)

Proposed by: Petitioner

To determine whether the Town will vote to amend § 36-1 of the Code of the Town of Wayland, entitled "Annual Town meeting and election," by deleting said § 36-1 in its entirety and substituting therefor the following new § 36-1:

"§ 36-1. Town meeting and election.

The annual Town meeting shall commence on a day in April ordered by the Selectmen. The election of Town officers and the determination of all matters placed on the official ballot at such election shall take place within seven days, but no fewer than two days, before the annual Town meeting. In addition to the warrant required by MGL c. 39, § 9A, the Selectmen shall cause notice of the time and place(s) of each annual and special Town meeting and each annual and special election (1) to be published in a newspaper of general circulation in Wayland no later than the date fixed by them for the closing of the warrant pursuant to § 36-3 below and (2) to be posted on the four Town sign boards located at the Cochituate Fire Station and the following intersections: Boston Post Road and Old Connecticut Path, Boston Post Road and Cochituate Road, and Cochituate Road and Old Connecticut Path. Such notice shall be posted on the Town sign boards commencing at least two weeks prior to the election and

Town meeting and shall remain posted until the election is held and the Town meeting is concluded."

FINANCE COMMITTEE COMMENTS: The Town's four signboards are highly visible and inform the public about important events. The Selectmen have jurisdiction and set policy concerning their use; the Town Clerk reserves time for the election and town meeting notices and Park and Recreation schedules usage and posts most of the signs. (At the Town Clerk's instruction, building custodians post election and town meeting signs.) While priority for access to these signboards is given to advertise town meetings and elections, other organizations use the signboards to publicize meetings, family activities, town wide events and fundraisers. Demand is high at certain times of year, and priority is always given to town meeting and elections.

The offices involved in approving, reserving for town meeting/elections, and posting the signboards (Board of Selectmen, Town Clerk and Park and Recreation) agree with the intent of this article. Policies and procedures are in place to reserve signboards and give priority to town meeting and election notices. They are clearly written, available through Park and Recreation, and are distributed with each usage request.

PETITIONER COMMENTS: The Town's permanent signboards, located at four prominent intersections in Wayland, are highly visible and are regularly used to inform the public about important events. The Selectmen have jurisdiction and set policy concerning their use. Priority for access to these signboards is given to advertise milestones such as Town meetings and elections. Over the years, there has been much discussion about how to encourage more consistent attendance and public involvement in these events. The Petitioners believe that every effort should be made to advertise opportunities for voters to participate in our democratic process of local Town government.

ARGUMENTS IN FAVOR: Information about town elections and town meeting will be posted for consistent timeframes. Recently, an off cycle election was not posted on the signboards (the signs were being amended for another election), thus missing an opportunity to inform Wayland voters.

ARGUMENTS OPPOSED: In light of the cooperation mentioned above and an existing policy to give priority to elections/town meeting notices, adding this section to the town's by-laws is an unnecessary step and results in codifying what should remain an office policy. Any future change to the location or composition of the signboards would have to be brought to town meeting to change the by-law rather than changing an office policy.

RECOMMENDATION: The Finance Committee does not recommend approval. Vote: 0-6

The Finance Committee is in favor of using the signboards to advertise elections and town meetings. The Board of Selectmen, Town Clerk and Park and Recreation all agree with this recommendation. The Finance Committee is opposed to amending the Town Code as a means to accomplish the request.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent within Massachusetts and federal law. (SEE APPENDIX J)

ARTICLE 35: AMEND CHAPTER 36 OF CURRENT BY-LAWS (36-2)

Proposed by: Petitioner

To determine whether the Town will vote to amend § 36-2 of the Code of the Town of Wayland, entitled "Service of warrant," by adding thereto a second paragraph:

11§ 36-2. Service of warrant. [Amended 10-30-1974 STM by Art. 3; 5-6-1982 ATM by Art. 33; 5-8-1989 ATM by Art. 21; 11-14-1991 STM by Art. 14; 11-13-1996 STM by Art. 2]

"The front cover of the warrant for the annual election and the annual Town meeting, and for any special election and any special Town meeting, shall clearly identify the date, voting hours, and polling places for the election."

FINANCE COMMITTEE COMMENTS: The word "warrant" has many legal definitions; this article refers to the warrant booklet, which is mailed to every household prior to each annual or special town meeting. The special election information for November 2003 was omitted from the warrant booklet cover due to (1) a required timing difference in posting the actual warrants for special town meeting and the special election and (2) a misunderstanding about what could be printed on the cover of the warrant booklet. This petitioner's article has helped to clarify what can be printed on the cover.

After discussions amongst the Town Clerk, Town Counsel and the petitioners, which clarified the practice of printing information on the cover of the warrant booklet, all parties are in agreement with the intent of this article. The Town Clerk and Executive Secretary's office will include any election information on the cover of the warrant booklet for annual or special town meetings.

PETITIONER COMMENTS: The outside front cover of the Warrant imparts important information to Wayland voters. For the April 2003 Warrant, information announcing both the election and the Town meeting was prominently printed on the front cover. For the November 2003 Warrant, only the special Town meeting information was printed on the front cover. The special election information was omitted. Over the years, there has been much discussion about how to facilitate greater and consistent voter turnout and public participation in these important events. The Petitioners believe that every effort should be made to advertise opportunities for voters to participate in our democratic process of local Town government.

ARGUMENTS IN FAVOR: The warrant booklet is mailed to each household and is a prominent means to communicate information.

ARGUMENTS OPPOSED: In light of the cooperation mentioned above and the intent to add any election information to the warrant booklet, adding this section to the town's by-laws is an unnecessary step and results in codifying what should be an office policy.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 0-6
The Finance Committee is in favor of printing election information on the cover of the warrant booklet. The Town Clerk, Town Counsel and Executive Secretary's office all agree with this recommendation. The Finance Committee is opposed to amending the Town Code as a means to accomplish the request.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent within Massachusetts and federal law. (APPENDIX J)

ARTICLE 36: AMEND CHAPTER 36 OF CURRENT BY-LAWS (36-17)

Proposed by: Petitioner

To determine whether the Town will vote to amend Chapter 36 of the Code of the Town of Wayland by adding thereto the following new section:

§ 36-17. Procedures to be followed where attendance exceeds occupancy limits at facility in which meeting is being held.

At any scheduled session of annual or special town meeting where the total number of registered voters present, whether already present in the facility and/or waiting to physically check in and enter the facility, would cause the occupancy limits of the facility to be exceeded, the Moderator shall immediately suspend the proceedings. Prior to continuing such session or adjourning, the Moderator, in consultation with the Board of Selectmen, shall first announce an alternate means or an alternate location and time where all registered voters who wish to be present can enter and fully participate in the proceedings.

FINANCE COMMITTEE COMMENTS: Approximately 1,500 registered voters attended Special Town Meeting on November 20, 2003. The meeting was briefly suspended while the Fire Chief determined the maximum capacity of the facility (which was noted at the meeting to be approximately 1,800 persons).
M.G.L. c. 39, Section 10 deals with this situation:

"TOWN MEETINGS Chapter 39, Section 10 (Fifth sentence) Warrant; issuance; contents

Section 10. .... Whenever the moderator determines that voters are being excluded from the town meeting because there is no room for them in the places provided or that voters in attendance are being deprived of the opportunity to participate therein for any reason whatsoever, he shall either, on his own motion recess the meeting for any period during the day of the meeting or, after consultation with the members of the board of selectmen then present, adjourn the same to another date, not later than fourteen days following the date of said meeting, when places and facilities sufficient to accommodate all voters attending and to enable them to participate therein shall be available..."

It is the opinion of Town Counsel that the differences between the Town By-Law amendment and State Law are insignificant. The Town By-Law amendment is consistent with State Law. Petitioners believe this proposed code amendment will encourage that the Selectmen and the Moderator will be prepared to take action by having a back-up plan ready in the event another very large turnout occurs.

PETITIONERS COMMENTS: Approximately 1,500 registered voters attended Special Town Meeting on November 20, 2003. The meeting was briefly suspended while the Fire Chief determined the maximum capacity of the facility (which was noted at the meeting to be approximately 1,800 persons). Had the number of registered voters attending the meeting exceeded 1,800, it was unclear as to whether some voters would have to be denied access to the meeting.

The Board of Selectmen has, from time to time, discussed holding sessions of Town Meeting in the auditorium at the Middle School. The capacity of that facility would have easily been exceeded had the Special Town Meeting on November 20, 2003 been held at that venue rather than at the High School Field House.

The Petitioners believe that every registered voter wishing to attend a session of annual or special Town meeting should have the opportunity to do so. In the event the maximum capacity of the facility in which

the meeting is being held would be exceeded, e.g., in the case of a larger than normal voter turnout, the Moderator should suspend or adjourn the meeting until a reasonable accommodation can be made for those that might otherwise be denied access to the facility.

ARGUMENTS IN FAVOR: Every registered voter wishing to attend and cast a vote at a session of annual or special Town Meeting has the right to do so and should not be prevented from doing so based on the maximum capacity of the facility in which such session is being held.

ARGUMENTS OPPOSED: State law already has provisions to deal with occupancy limits at Annual or Special Town Meeting. An amendment to the Town By-Law would be a duplication of State Law.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent within Massachusetts and federal law. (SEE APPENDIX J)

ARTICLE 37: AMEND CHAPTER 58 OF CURRENT BY-LAWS (58-5)

Proposed by: Petitioner

To determine whether the Town will vote to amend Chapter 58 of the Code of the Town of Wayland by adding thereto the following new section:

"§ 58-5. Chairman of the Board of Selectmen.

The Board of Selectmen shall vote to elect from its membership a chairman and a vice chairman, each year, during the month of June. The chairman shall serve at the behest of the Board. The vice-chairman shall act as the chairman during the absence or disability of the chairman. No member of the Board of Selectmen shall serve as chairman for a second consecutive year nor during the last year of a three-year term of office unless a supermajority of all five members of the Board of Selectmen votes to waive these limitations. The chairman's duties include presiding at meetings of the Board of Selectmen, signing its correspondence, drafting its annual report, drafting the Executive Secretary's or the Town Administrator's annual performance evaluation, establishing the agenda for its meetings and any other routine administrative duties delegated to the chairman by vote of the Board of Selectmen. The chairman shall have no greater authority or jurisdiction than any other members of the Board of Selectmen regarding other matters unless so voted by said Board."

FINANCE COMMITTEE COMMENTS: The purpose of this article is to formalize in the Town By-Laws the Board of Selectmen's policy for chairmanship of the Board of Selectmen. The current policy for duties and length of service of the chairman are as follows:

1. In June the Board of Selectmen shall elect a chairman and Vice Chairman/clerk whose terms of office begin on July 1 and end on June 30.

2. The chairman shall be the presiding officer at meetings of the board. S/he will set the agenda, represent the board, and act as its spokesman, or designate the same.

3. The vice chairman shall preside at meetings in the absence of the chair, assist the chairman as

needed in managing the affairs of the board, and coordinate/schedule the warrant process for the board.

4. If both the chairman and vice chairman are unavailable, the senior Selectman in time served shall preside at meetings of the board.

5. No chairman of the board may succeed him/herself in the same office, unless no other Selectman is willing or able to serve.

6. No Selectman shall serve as chairman if s/he will be completing a term as Selectman during the term of office as chairman.

7. Should the chairman be unable to continue to serve, the vice chair will become the chair. Should the vice chair be unable to serve, a new vice chair shall be elected. Should both positions become vacant, the senior elected Selectman shall hold both offices until an election can be held.

The major difference between the current Selectmen's policy and the proposed Town By-Law amendment is that any changes to the chairman's length of service will now require a super majority vote of all of the members of the Board of Selectmen then serving vs. the current simple majority vote. Duties of the Chairman are further defined in the proposed amendment to the by-law.

PETITIONERS COMMENTS: The Board of Selectmen has had a written policy for the chairmanship, but it is not always followed. Among the strengths of Wayland town government are the checks and balances to avoid excess or abuse of power. As Selectmen seek to implement changes in the town's governmental structure, there is concern amongst citizens that checks and balances be maintained. While the Selectmen has spent more than a year exploring such changes and defining the roles and goals of the Board, the Executive Secretary and possibly a Town Administrator, the Petitioners believe it is important and appropriate to also define the role of the Chairman of the Board of Selectmen.

ARGUMENTS IN FAVOR: This article will formalize the role, length of service and the duties of the Chairman of the Board of Selectmen in the Town's By-Laws. The proponents of this article believe this is an important step in connection with the Town's efforts to create a Town Administrator because some have expressed concerns for maintaining checks and balances. It is the belief of the petitioners that this By-Law amendment will provide a model framework for other boards for the chairmanship, thereby clarifying and improving the function of other volunteer boards. The absence of clear model often has been a factor in problematic decision-making, and, in some cases, personnel problems that can be difficult to address. It is the belief of the petitioners that clearly defined roles, length of service and duties of the Chairman serve to improve board function.

ARGUMENTS OPPOSED: The Board of Selectmen already have a policy that outlines the Chairman's length of service and duties. Therefore, an amendment to Town By-Law is not necessary. The Board has many written policies and can amend any of its policies at any time by a majority vote. This article limits the flexibility of the Board of Selectmen in its selection of chairperson. One person being the chair for consecutive terms does not undermine the checks and balances. The Chair, like the rest of the members, has only one vote. Due to work and travel commitments, not every selectman can serve as Chair. The Board of Selectmen should be able to retain a measure of flexibility that changing its own policy, as necessary, affords. A Town Meeting-approved by-law amendment does not allow for such flexibility.

A difference between current policy and the proposed amendment is that the by-law would require a supermajority vote of the five members of the Board of Selectmen to waive these term limitations vs. a vote of the majority. Requiring a supermajority vote to waive the limitations on length of service could be problematic if the board has some differing opinions and personalities on it, resulting in a deadlock and no chairperson being elected.

Town Clerk and Town Counsel know of no other towns that have a similar Town By-Law.

RECOMMENDATION: The Finance Committee does not recommend approval. Vote: Unanimous

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent within Massachusetts and federal law. (SEE APPENDIX K)

ARTICLE 38: CODIFY ESTABLISHMENT OF LOCAL HISTORIC DISTRICT BY-LAW

Proposed by: Wayland Historic District Commission

To determine whether the Town will vote to codify the existing local historic districts established pursuant to Massachusetts General Laws Chapter 40C by adding the following Chapter to the Code of the Town of Wayland:

Chapter 196
HISTORIC DISTRICTS

ARTICLE I
Establishment of Districts

§196-101. Wayland Historic District; establishment, boundaries.

There is hereby established pursuant to Massachusetts General Laws Chapter 40C and this by-law, an historic district known as the Wayland Historic District. The location and boundaries of the Wayland Historic District are defined and shown on the map entitled "Plan Showing Proposed Historic District Changes in Wayland, Massachusetts 2001 Annual Town Meeting" dated 2-1-2001, which map is attached to and made part of this by-law. This district includes the original district established pursuant to a vote of the 1965 Annual Town Meeting on March 10, 1965 as shown on a plan entitled "Plan of Proposed Historic District" dated January 19, 1965, and enlarged by vote of the 1966 Annual Town Meeting on March 9, 1966, the 1973 Annual Town Meeting on March 9, 1973, the 1994 Annual Town Meeting on April 28, 1994, the 1995 Annual Town Meeting on May 1, 1995, the 2000 Annual Town Meeting on April 27, 2000 and the 2001 Annual Town Meeting on April 26, 2001. Said plan is recorded as plan number 1036 of 2001 in the Middlesex County Registry of Deeds.

§196-101. Bow Road Historic District; establishment, boundaries.

There is hereby established pursuant to Massachusetts General Laws Chapter 40C and this by-law, an historic district known as the Bow Road Historic District, bounded and described as shown on the map entitled, "Plan of Land in Wayland, Massachusetts showing Bow Road Historic District," dated September 25, 2003, which map is attached to and made part of this by-law. Said plan is recorded as plan number 1208 of 2003 in the Middlesex County Registry of Deeds.

FINANCE COMMITTEE COMMENTS: The purpose of this article is to codify past Town Meeting votes regarding Wayland's Historic Districts. Since the establishment of the Wayland Historic District in 1965, the District has been amended six times by town meeting votes. In addition, a second historic district, the Bow Road Historic District, was established by town meeting vote in 2003.

In each case, the Town has appropriately and properly put the establishment of these districts to vote at Town Meeting. State law requires, however, that establishment of such Districts must also be written into a by-law. These Historic Districts do not appear in the current Town Code because the terminology used in past warrant articles did not include the words 'by-law' or 'code'. Thus, in order to comply with State law, this article seeks to codify what has already occurred and what is already being treated as by-law by the Attorney General. There is no change made to the Districts by adopting this by-law.

ARGUMENTS IN FAVOR: Codifying our Historic Districts into a by-law is consistent with State law. Also, adoption of this by-law will provide clear and straightforward reference to and description of the two local historic districts. This consolidation and codification into one by-law will clarify the information contained in the district maps. Passage of this article will remove any potential legal challenge to the validity of the Wayland Historic Districts

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments opposed.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law.

QUANTUM OF VOTE: Two thirds – see Massachusetts General Laws Chapter 40C, Section 3.

(SEE MAP AT APPENDIX L)

ARTICLE 39: CURRENT DEBT IN EVERY ANNUAL REPORT

Proposed by: Petitioner

To determine whether the Town will vote to amend § 53-1 of the Code of the Town, entitled "Annual reports", by adding a new second paragraph: "Every Annual Report shall contain a section entitled "Current Debt", which shall provide the following information for the debt funded by the Town, with debt remaining and/or with as yet unfunded grants from the Commonwealth or the Federal Government: (1) name of the debt (2) funds appropriated by identified town meeting article(s), (3) W cumulative funds expended at fiscal year-end, (4) cumulative interest paid at fiscal year end, and (5) anticipated final cost to the Town, including principal; and interest after receipt of funded grants, if any, and date when all financing will have been paid off or otherwise completed.'

FINANCE COMMITTEE COMMENTS: The Petitioners are requesting that the Treasurer/ Collector produce, for inclusion in the Annual Report, a spreadsheet detailing the Town's debt schedule. In addition to identifying the Town Meeting article authorizing the debt, the Petitioners are requesting that cumulative interest and principal paid and funded grants received at fiscal year end be printed in the Annual Report. Finally, it requests a final, cumulative accounting, noting the expected date when such Borrowings will have been paid off.

Presently, the Treasurer/Collector section in the Annual Report lists outstanding debt, related interest

and principal payments due in the current fiscal year, and fiscal year end balances. The listing details specific, significant construction projects as well as multi purpose borrowings that might intermingle land acquisitions, equipment purchases and construction projects. The Treasurer's report does not show cumulative interest and principal payments nor the payoff date.

PETITIONERS COMMENTS: Taxpayers should have easy access to information regarding Town debt approved by the Town so that they can be informed as to how their tax dollars are being spent. Although there is a reference in the "Annual Report" to the debt for the Town, only each item and the amount paid that year is listed. This does not give a thoughtful Wayland taxpayer sufficient information to have even an elementary degree of understanding of the debit side of Wayland's financial ledger. This additional information will act as a reference to all Town debt. Taxpayers will have information concerning debt that has been approved by Town Meeting, and when it was approved, and also have the financing details, the payment details, the total anticipated cost of each one and when each will be fully paid.

ARGUMENTS IN FAVOR: The level of detail specified in this article would provide taxpayers with a greater insight into the Town's debt. The multi year format will allow residents to track the amortization of specific borrowings voted by Town Meeting. The additional funded grant information will help determine net cost of certain debt such as schools or the library.

This request could be substantially met by editing the detailed debt spreadsheet that the Treasurer/Collector currently maintains. A spreadsheet detailing fund grants would need to be developed and annually updated to satisfy this request.

ARGUMENTS OPPOSED: The Treasurer/Collector has agreed to insert the detailed debt schedule in place of the abbreviated one that now appears in the Annual Report. The Finance Director is committed to annually build and update a funded grant schedule. In light of this cooperation, the requirement that an amendment to the Town Code is needed to achieve the goal seems cumbersome. Can we predict what relevant debt and grant information not covered by this article will be pertinent in a decade? Will we need to pass additional articles and amendments to this article to enable citizen understanding as State, federal and Town borrowing mechanisms and methods change?

Town boards and committees have changed reports in the past when resident input points out an information void or a better presentation alternative. This informal process has negated article submission and need for a Town Code amendment.

RECOMMENDATION: The Finance Committee does not recommend approval. Vote: 0 in favor of approval, 6 against approval, and 1 abstention. The Finance Committee is in favor of including the petitioner's more detailed debt schedule in the Treasurer/Collector's section of the Annual Report. The Treasurer and Finance Director have agreed to this request and have committed to include the more detailed debt schedule in future Annual Reports. The Finance Committee is opposed to amending the Town Code as a means to accomplish the request.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent within Massachusetts and federal law. (See Appendix M)

ARTICLE 40: REPORTING CHANGE OF ASSESSED VALUATIONS OF REAL PROPERTY TO OWNERS

Proposed by: Petitioner

To determine whether the Town will vote to amend 19-8 of the Code of the Town Wayland, entitled "Board of Assessors," by adding thereto a new paragraph E.

1. After the Board of Assessors has made a decision concerning a taxpayer's abatement request of change of real property assessment, included with the decision, on the form provided by the state that is sent to the taxpayer, will be notice of any change in the data on that property record card and the dollar effect in assessment for each change in the section that states "reason for abatement".

2. If the Board of Assessors deems a change in the property record card's market data, either as a result of a visit to a property in Wayland that takes place once every decade to be sure that information on the property record card is accurate, or the visit is the result of a sale of, or a renovation to a property, or as a result of sales since the last town-wide revaluation (such as, but not limited to a change in assessment neighborhood) that data change shall be reported to the real property owner at the time that the new data will cause a change in the assessed value of said property.

   When the assessed valuation of a property changes, as occurs at an annual, biannual, or tri-annual town-wide revaluation, the town shall make the following information available at the Assessor's desk and on the Town website in table form: all of the influence factors that the Board of Assessors uses to value real property in Wayland such as, but not limited to: style of house, age, grade, value per square foot, CDU (condition/desirability/utility rating), heating type, fuel, heating system, finished basement living area, porches, open porches, wood decks, story height, swimming pool, barn, tennis court, traffic influence. For each of these each level of assessed value, both current and prior will be indicated. These statistical data shall be put to three decimal points, when applicable, even if more than that number are used in the actual formula.

3. Additionally, available at the desk and on the Town website shall be: a general description of the valuation algorithm, definition of special terms, and a detailed description of the specific implementation.

4. When the assessed valuation of a property changes as occurs at an annual, bi-annual, or tri-annual town-wide revaluation, the town shall make the following information available at the Assessor's desk and on the Town website: a table displaying the prior and new town-wide land valuations by assessment neighborhood with a map identifying and displaying all assessment neighborhoods.

FINANCE COMMITTEE COMMENTS: This petitioners' article is requesting that the Board of Assessors provide more information to property owners regarding assessments and changes to valuations. The dissemination of the information is to be provided through direct communication with property owner regarding specific changes or through town-wide communication, including use of the town web site. The article is requesting four categories of information:

1. After an abatement request has been acted upon, the Assessors will provide the taxpayer the reason for the abatement, the dollar effect on the assessed valuation, and report any changes to the property record card.
2. Any change to the property record card that impacts assessed value, regardless of whether due to site visits, renovations or the result of a sale will be provided to the property owner. In addition, the impact on valuation as a result of property sales since the last town-wide revaluation will be provided to the property owner.
3. After a revaluation process, the Assessors will provide the statistical data and influence factors

used to compute property values. The information will include both the current and prior data.

4. After a revaluation the Assessors will provide a table displaying the prior and new town-wide land valuations by assessment neighborhood, including displaying a map of the assessment neighborhoods.

PETITIONER COMMENTS: Changes in real property record cards cause changes in assessment that differ from the change that occurs as a result in changed economic conditions that affect all property values in Wayland. Taxpayers should be notified when their real property assessment valuation change differs from that of the rest of the Town.

Taxpayers often spend a great deal of time preparing real property abatement forms, and there is currently no information given by the Board of Assessors to these taxpayers when a decision is made other than any change in the dollar amount

The material available to taxpayers should reflect the changes that have occurred that are reflected in assessment values. This material should be presented in a form that is as easy to understand form as possible, so that taxpayers can understand how their real property has been assessed. Additional material, as has been given in the past, should also be available for those who request it.

It is important for taxpayers to believe that the assessment, and the real estate tax resulting from that assessment is "fair". This will give the Board of Assessors an opportunity to advise taxpayers that, in their judgment, their assessment is "fair", and how the total amount was determined.

Additionally, the Board of Assessors has made available a seven page "Computer Assisted Valuation" which is difficult for many taxpayers to understand. This shorter version will require much less paper and much less time for those who work for the Board of Assessors to explain the valuation system to taxpayers. The more complete explanation will also be available for those who request it.

ARGUMENTS IN FAVOR: Providing additional information to property owners regarding changes to their assessed valuations and the factors that influence values can be very beneficial. In recent years the Assessors have shown a willingness to provide additional information regarding town-wide valuation results and have indicated that they would provide much of the information requested in this article. In addition, the Assessors will be implementing a new software program for revaluation and assessments (if purchase is approved in the 2005 proposed capital budget), which once implemented, can assist in providing some of this information and making it available on the web site.

ARGUMENTS OPPOSED: Some of the information may not be readily available, may be difficult to provide, or will require additional resources and time by the assessor's department to gather. In addition, it is unclear whether all the requested information will be meaningful to the property owners.

Adding changes to the Town by-laws to mandate that specific information be provided seems unnecessary given the willingness of the assessors to provide. Plus, as a by-law, with the specific information codified in the by-law, it doesn't allow for flexibility to provide alternative information that could be more useful without going through another town meeting and by-law amendment. By-Laws should set town policy and not be modified to add processes for managing the town.

FINANCE COMMITTEE RECMMENDATION: The Finance Committee recommends against approval. Vote: 0 – 5 – 0. The Finance Committee agrees that the information requested by the petitioners may provide meaningful information to property owners and are pleased that the Assessors have agreed to provide much of this information. However, the Committee voted against the article because it believes by-laws should set policy and not be created or modified to mandate management processes.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent within Massachusetts and federal law. (See Appendix N)

ARTICLE 41: ACQUISITION OF U.S. PROPERTY AT OXBOW ROAD

Proposed by: Petitioner

To determine whether the Town will vote to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, eminent domain, gift, or otherwise the fee or any lesser interest in the land owned by the United States of America 300 Westgate Center Drive Hadley MA 01035-9589 off Oxbow Road and near Williams Road, containing 13.627 acres, more or less, identified on Town of Wayland assessors record as map 1 lot 47 book 8297 page 121 dated May 26, 1954, in all or any portion of said land, for municipal purposes; to determine whether the Town will appropriate a sum of money for the acquisition of said land or interest therein; and to determine whether said appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: The Nike site is a parcel of land, approximately 14.12 acres, (13.63 acres in Wayland, 0.49 acres in Lincoln), bordering Oxbow Road, in North Wayland. It was acquired in 1953 by eminent domain by the U.S. Government as part of a 29.27 acre site and used in the 1950's and 60's as a Nike missile base. It was deactivated in 1974, was subsequently used by the Massachusetts National Guard, and was closed in 1997. A tract of about 15.1 acres was sold in 1986 and developed privately into housing on William Road and Kelley Lane, leaving the present portion. In 2002 the U.S. Government General Services Administration (GSA) offered this to Wayland on an exclusive basis. Lincoln has recently decided to acquire its 0.49 acres for passive recreation use, leaving only the Wayland portion.

The GSA has informed the Town that if it does not acquire or indicate substantial interest and take steps toward acquiring the property they will dispose of it by public sale. The highest bidder is likely to be a housing developer, perhaps one who would use the site under State 40B regulation to construct a high-density development. The impact on the Town of such an outcome and the possibility of alternate uses for the site led the Selectmen to appoint an Advisory Committee in June 2003 to aid it in making a decision on the land.

The GSA will transfer title to the land at prices varying from $1.00, if the land is used for passive or active recreation, to a market value (yet to be determined) if the land, or a portion of it, is used for housing, affordable or mixed, but the Town must indicate and present plans to the GSA for the option it chooses prior to transfer approval.

Under any option, however, the acquisition cost is not the only cost, since there are existing buildings, including an underground silo, two missile launch pads, and auxiliary buildings all of which would have to be demolished and /or removed at Town expense (presently estimated at $150,000 to $200,000) prior to any use. There may also be some additional costs (presently estimated at $69,000) for removal of lead and asbestos from the buildings prior to demolition. There could be costs for land clearing, possible construction of new facilities, and maintenance. In addition, the GSA will transfer the site 'as is' so that any environmental cleanup costs would be borne by the Town. Housing options might return tax monies to the Town, but there could be burdens on the town services. There would be effects on the neighboring residents to greater or less degree depending on the option chosen. Any

proposed use of the land would have to be in place within 5 years from the transfer date.

The Community Preservation Commission has approved the use of $100,000 of CPA funds for preparation of the Nike site for such uses as are authorized under the CPA Act. The expenditure of these funds must be approved by a Town meeting, but if approved, would partially offset the costs of demolition.

The present article is one of several pertaining to the acquisition of the property including those in the Special Town Meeting Warrant. This is one of two in the Regular Town Meeting included by petitioners who propose the purchase of the land for different purposes. As written, this article proposes purchase " for municipal purposes" undefined. Since the purpose is undefined, it is probable that the GSA would require a full valuation purchase price for the land, a price considerably higher than that contemplated in this article.

As the Town would be responsible for any environmental cleanup of the site subsequent to its acquisition, the 2003 Special Town Meeting authorized the site committee to proceed with a study to see if any such hazards exist. This study is now complete, and no evidence of petroleum releases was found, all soil tests met residential standards, and there was no evidence of petroleum products or solvents in the groundwater. Some lead and asbestos was found in the building materials and the groundwater had elevated metal levels that may be associated with soil sediments. The conclusion of the Nike site committee is that the land represents little if any environmental liability.

PETITIONER COMMENTS: The United States government, via the authorized representative the General Service Administration, has indicated that the vacant property off Oxbow Road, (Nike Site property), is available to the Town of Wayland. The availability of the property is contingent upon several qualification conditions. The major qualification condition is the ultimate use of the property by the Town. However, if the Town elects to use the property for passive recreation and/or active recreation then the Town may obtain the property as is free of any purchase price. The financial burden of the site remediation is the responsibility of the Town, Additionally, and the Town must formally document the proposed utility of the property and develop a plan to implement the utilization of the property. The estimated demolition costs are approximately $200k.

ARGUMENTS IN FAVOR: It is important for the Town to take advantage of this unique situation and control development of this land. This article allows the Town the most flexibility in deciding what to do with the property after acquisition.

ARGUMENTS OPPOSED: Although this article allows the Town the most flexibility, it also represents the most costly mode of acquisition, and could expose the Town to the maximum financial risk, since it would have to develop the land in some manner or bear the full cost of purchase. In addition, voting funds without a definite purpose is not a prudent strategy.

FINANCE COMMITTEE RECOMMENDATION: The Finance Committee recommends against approval of this article. Vote 0 – 6 – 0

QUANTUM OF VOTE: Two-thirds for an appropriation of funds to acquire land – see Massachusetts General Laws Chapter 40, Section 14. (See Map at Appendix O)

ARTICLE 42: TOWN ACQUISITION OF FORMER NIKE BASE LAND

Proposed by: Petitioner

To determine whether the Town will vote to authorize the Board of Selectman, with the approval of the Town Counsel as to form, to acquire by purchase, gift or otherwise the parcel of land in Wayland and Lincoln, Massachusetts located on and off Oxbow Road in Wayland containing 14.2 acres of land, more or less, described in a judgment recorded with the Middlesex South Registry of Deeds in Book 8297, page 121 for conservation, passive recreation, parks, open space or any combination of such uses; appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of said parcel of land and for the demolition and removal of structures and other material located on and under said parcel of land, and to determine whether said appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, from grants received from the Commonwealth or Federal Government, by borrowing or otherwise.

FINANCE COMMITTEE COMMENTS: The Nike site is a parcel of land, approximately 14.12 acres, (13.63 acres in Wayland, 0.49 acres in Lincoln), bordering Oxbow Road, in North Wayland. It was acquired in 1953 by eminent domain by the U.S. Government as part of a 29.27 acre site and used in the 1950's and 60's as a Nike missile base. It was deactivated in 1974, was subsequently used by the Massachusetts National Guard, and was closed in 1997. A tract of about 15.1 acres was sold in 1986 and developed privately into housing on William Road and Kelley Lane, leaving the present portion. In 2002 the U.S. Government General Services Administration (GSA) offered this to Wayland on an exclusive basis. Lincoln has recently decided to acquire its 0.49 acres for passive recreation use, leaving only the Wayland portion.

The GSA has informed the Town that if it does not acquire or indicate substantial interest and take steps toward acquiring the property they will dispose of it by public sale. The highest bidder is likely to be a housing developer, perhaps one who would use the site under State 40B regulation to construct a high-density development. The impact on the Town of such an outcome and the possibility of alternate uses for the site led the Selectmen to appoint an Advisory Committee in June 2003 to aid it in making a decision on the land.

The GSA will transfer title to the land at prices varying from $1.00, if the land is used for passive or active recreation, to a market value (yet to be determined) if the land, or a portion of it, is used for housing, affordable or mixed, but the Town must indicate and present plans to the GSA for the option it chooses prior to transfer approval.

Under any option, however, the acquisition cost is not the only cost, since there are existing buildings, including an underground silo, two missile launch pads, and auxiliary buildings all of which would have to be demolished and /or removed at Town expense (presently estimated at $150,000 to $200,000) prior to any use. There may also be some additional costs (presently estimated at $69,000) for removal of lead and asbestos from the buildings prior to demolition. There could be costs for land clearing, possible construction of new facilities, and maintenance. In addition, the GSA will transfer the site 'as is' so that any environmental cleanup costs would be borne by the Town. Housing options might return tax monies to the Town, but there could be burdens on the town services. There would be effects on the neighboring residents to greater or less degree depending on the option chosen. Any proposed use of the land would have to be in place within 5 years from the transfer date.

The present article is one of several pertaining to the acquisition of the property, including those in the Special Town Meeting. This is one of two in the Regular Town Meeting included by petitioners who propose the purchase of the land for different purposes. This one, put forward by a group of neighbors and abutters, proposes to acquire the land for conservation, parks, open space or passive recreation use only. Under this scenario, the purchase cost of the land would be $1.00, although the Town would still bear any costs for demolition, removal of structures, filling of silos, and possibly on-going

maintenance. The group has proposed a method of funding these costs, using both public money and private donations.

As far as public money is concerned, the Community Preservation Commission has approved the use of $100,000 of CPA funds for preparation of the Nike site for such uses as are authorized under the CPA Act. The expenditure of these funds must be approved by a Town meeting, but if approved, would partially offset the costs of demolition.

As for private donations, the petitioners propose that a group of abutters and other interested parties fund any remaining costs required to prepare the site for the uses they envision in this article. At the time of writing these funds do not exist in a separate, dedicated or escrow fund.

As the Town would be responsible for any environmental cleanup of the site subsequent to its acquisition, the 2003 Special Town Meeting authorized the site committee to proceed with a study to see if any such hazards exist. This study is now complete, and no evidence of petroleum releases was found, all soil tests met residential standards, and there was no evidence of petroleum products or solvents in the groundwater. Some lead and asbestos was found in the building materials and the groundwater had elevated metal levels that may be associated with soil sediments. The conclusion of the Nike site committee is that the land represents little if any environmental liability.

PETITIONERS COMMENTS: This Warrant Article asks the Town to obtain at no risk 13.627 +/- acres of open space in perpetuity. This is a unique opportunity to (a) acquire the land at no cost and (b) provide access to an extensive adjacent network of conservation land and trails.

The Board of Selectmen is asked to manage the demolition contract and to designate the Conservation Commission as the steward of the property.

Petitioners Arguments in Favor:

- Consistent with the Master Plan and fundamental Town objective of retaining a rural character.
- Estimate for site demolition and preparation of $200,000 to be covered by CPC and Private Funds. No significant infrastructure costs (schools, roads, Special Town Meeting Article, etc.)
- Preserves limited CPC, Town and State funds for projects where a cost of acquisition and/or development is unavoidable.
- Broad support Town-wide as the lowest cost, least risk, and most desirable option.

ARGUMENTS IN FAVOR: It is important for the Town to take advantage of this unique situation and control development of this land. This article as written, represents the lowest cost of any option.

ARGUMENTS OPPOSED: Although this option represents a minimum cost, it may be regarded as favoring the interests of the neighbors and abutters over that of the Town as a whole.

FINANCE COMMITTEE RECOMMENDATION: This article is identical except for minor changes in the property description with one in the Special Town Meeting. As there is also another Special Town Meeting article dealing with this same subject, the Finance Committee has deferred its decision on the present article and its twin until the second Special Town Meeting article can be investigated and commented upon.

QUANTUM OF VOTE: Two-thirds for an appropriation of funds to acquire land – see Massachusetts General Laws Chapter 40, Section 14. Majority to appropriate or transfer funds for demolition and removal costs – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B; for borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7. Majority to acquire land by gift. (See Map at Appendix O)

ARTICLE 43: ADMINISTRATIVE FEES FOR THE COMMUNITY PRESERVATION COMMITTEE

Proposed by: Board of Selectmen and Community Preservation Committee *Estimated Cost: $10,000*

To determine whether the town will vote to appropriate and transfer a sum of money from the Community Preservation Fund to be expended by the Community Preservation Committee for its administrative and operating expenses.

FINANCE COMMITTEE COMMENTS: This article is requesting Town Meeting to approve the expenditure of up to $10,000 for administrative matters, which will be expended, as needed, by the Community Preservation Act Committee. The Community Preservation Act requires that the funds for all expenditures, including those spent on administrative matters, be approved by Town Meeting vote. Under State law, up to 5% of the CPA funds may be spent on administrative matters. The amount being requested is less than .6% of the total funds in the CPA fund. The Committee is requesting these funds in order to pay for legal posting for meetings and to fund consultants, as required, for things such as testing and other such items related to the use of CPA funds.

ARGUMENTS IN FAVOR: These funds are required to support the activities of the CPA Committee. The source of these funds is the existing CPA funds and does not come from the Town's operating budget or require additional taxes. The amount seems very modest given the various matters pursued by the CPA.

ARGUMENTS OPPOSED: Although the amount seems fairly modest, it could be argued that the no expenditures should be permitted.

RECOMMENDATION: Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44B, Section 6.

ARTICLE 44: SELL OR TRADE VEHICLES AND EQUIPMENT

Proposed by: Board of Selectmen

To determine whether the Town will vote to authorize the Board of Selectmen to sell or otherwise dispose of the following surplus vehicles, equipment, or other personal property in connection with the purchase of new vehicles, equipment, or other personal property.

Department	Vehicle/Equipment	Year
Board of Road Commissioners	Ford one-ton dump truck	1992
Board of Road Commissioners	Ford two-wheel drive utility truck	1995
Board of Road Commissioners	Ingersoll Rand Compressor	1974
Board of Health	Ford Crown Victoria	1995
Park & Recreation Commission	Chevrolet Kodiak Dump Truck	1991
Park & Recreation Commission	Ford F150 Pickup Truck	1987
Park & Recreation Commission	Hustler 295 Lawnmower	1983
Park & Recreation Commission	Hustler 260 Compact Lawnmower	1996

FINANCE COMMITTEE COMMENTS: This standard article allows the Town to sell used vehicles or other personal property.

ARGUMENTS IN FAVOR: The selling of used property contributes to the Town's general fund.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Majority.

ARTICLE 45: ACCEPT GIFTS OF LAND

Proposed by: Board of Selectmen

To determine whether the Town will vote to accept real property or interests in real property which have been tendered to it as a gift, by devise, or otherwise.

FINANCE COMMITTEE COMMENTS: This standard article allows the Town to accept gifts of land. At the time of the printing of the Warrant, there were no known gifts of land.

ARGUMENTS IN FAVOR: Acquisition of land by the Town gives the Town more control over the use of such land.

ARGUMENTS OPPOSED: Land given to the Town may result in a slight loss of taxable real estate.

RECOMMENDATION: The Finance Committee defers a recommendation until Annual Town Meeting. Vote: Unanimous.

QUANTUM OF VOTE: Majority.

ARTICLE 46: AUTHORIZE TREASURER TO BORROW

Proposed by: Board of Selectmen

To determine whether the Town will vote to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow monies from time to time in anticipation of the revenue of the fiscal year beginning July 1, 2004, in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 4 and Chapter 849 of the Acts of 1969, both as amended, and to issue a note or notes therefor, payable within one year, and to renew any note or notes that may be given for a period of less than one year in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 17, as amended.

FINANCE COMMITTEE COMMENTS: This standard article provides for short-term borrowing in case of need, pending collection of real estate taxes.

ARGUMENTS IN FAVOR: This article allows the Town flexibility in managing its finances.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: Unanimous.

QUANTUM OF VOTE: Majority – See Massachusetts General Laws, Chapter 44, Section 4.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. *Town of Wayland*

★★★ WARRANT ★★★

for the

2004 SPECIAL TOWN MEETING

To any of the Constables of the Town of Wayland, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Wayland who shall be qualified to vote in accordance with the provisions of Massachusetts General Laws, Chapter 51, Section 1, to meet in the Wayland High School Field House on:

WEDNESDAY, MAY 5, 2004, AT 8:00 P.M.

Or as soon thereafter as the Article then under discussion in the Annual Meeting is disposed of, then and there to act on the following Articles:

ARTICLE 1: ACQUIRE FORMER NIKE SITE LAND ON OXBOW ROAD

Proposed by: Board of Selectmen; Community Preservation Committee; Wayland Housing Authority; Wayland Housing Partnership; Park & Recreation Commission; Conservation Commission; and Planning Board

Estimated Cost: $ Unknown

To determine whether the Town will vote:

(a) to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to acquire by purchase, gift or otherwise, for municipal purposes including, and limited to, housing, conservation, park, passive and active recreation, and any combination of such purposes, the fee or any lesser interest in all or any part of the parcel of land owned by the United States of America located on Oxbow Road, Wayland, Massachusetts and described in a judgment recorded with the Middlesex South Registry of Deeds in Book 8297, Page 121, containing 14 acres, more or less (exclusive of any portion of such land that is located in Lincoln, Massachusetts) (the "Site");

(b) to authorize the Board of Selectmen to contract with one or more outside vendors to secure the Site, to remove the materials located on the Site, and to remove or in-fill existing structures located on the Site;

(c) to authorize the Board of Selectmen, in consultation with other interested parties, including, but not limited to, the Wayland Housing Partnership and Wayland Housing Authority, to prepare, design, and development guidelines and pursue a plan for the development, by the Town or a not-for profit or for-profit private developer, of up to sixteen (16) housing units on no more than 3.5 acres of the Site, with a priority given to the development of affordable housing units (within the meaning of the Commonwealth of Massachusetts - Department of Housing and Community Development's affordability guidelines), with such units designated as affordable through the use of long-term deed restrictions;

(d) to require the Board of Selectmen to include, in any plan for the ultimate use(s) of the Site, an approximately fifty (50) foot wide buffer around the entire perimeter of the Site (with the exception of the entrance at Oxbow Road) that is designated for conservation and pedestrian trail use in perpetuity ("Conservation and Trail Land");

(e) to authorize the Board of Selectmen, in consultation with other interested parties, including, but not limited to, the Conservation and Park & Recreation Commissions, to pursue a plan for the development, by the Town, of a handicapped accessible trail that spans the entire length of, and is located entirely within, the Conservation and Trail Land; which land and trail shall be held in the care, custody, management and control of the Conservation Commission;

(f) to appropriate a sum of money to be expended by the Board of Selectmen for the acquisition of said land, or interest therein, to secure the Site and for the demolition and removal of material located on the Site and the removal or in-filling of existing structures located on the Site; and

(g) to determine whether said appropriation shall be provided by transfer from the Community Preservation Fund, or, if needed, by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by funds received as grants from the Commonwealth, the Federal Government or other entities or agencies, by borrowing, or otherwise.

SPONSORS' COMMENTS: The sponsors of this article support the Town's acquisition of the former Nike site for mixed use, i.e., housing, conservation and passive and active recreation.

Not only will such an acquisition eliminate the possibility for uncontrolled development and, therefore, the resulting negative impact on the Town's infrastructure, e.g., significantly increased school enrollment and traffic, it will provide the opportunity to make progress toward achieving certain goals enumerated in the soon to be released Master Plan. These include providing affordable housing options throughout the Town, maintaining open space and providing for future recreational uses.

Most, if not all, of the funding for the acquisition cost of the land would come from the Town's Community Preservation fund which must be spent for affordable housing, open space and historic preservation.

While the sponsors have estimated the cost to demolish the existing structures and prepare the site for its ultimate uses, the Town and the General Services Administration, as of the date the warrant was printed, had not yet agreed upon a purchase price for the portion of the site proposed for affordable housing. Given the status of the negotiations, it would be inappropriate for the Town to disclose an estimate of the purchase price. Accordingly, the estimated cost for this article has been shown as "unknown."

The sponsors believe that any such acquisition should take into account all of the Town's needs. The sponsors do expect, however, to work closely with the Nike site abutters to ensure that their interests are considered in the development of the detailed plans for the housing, handicapped accessible trail and other site improvements.

For more background, see the Finance Committee's comments included under Articles 41 and 42 in the Annual Town Meeting warrant.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Two-thirds for an appropriation of funds to acquire land – see Massachusetts General Laws Chapter 40, Section 14. Majority to appropriate or transfer funds for demolition and removal costs – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B; for borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7. Majority to acquire land by gift and to authorize the Board of Selectmen to take any of the actions in (b), (c), (d) or (e) above. (See Map at Appendix O)

ARTICLE 2: FUND ACQUISITION COSTS FOR PART OF NIKE SITE FOR AFFORDABLE HOUSING

Proposed by: Community Preservation Committee *Estimated Cost: $500,000*

To determine whether the Town will vote to appropriate a total of $500,000 to be expended by the Board of Selectmen for the purposes of (i) acquiring no more than 3.5 acres of the parcel of land owned by the United States of America located on Oxbow Road, Wayland, Massachusetts and described in a judgment recorded with the Middlesex South Registry of Deeds in Book 8297, Page 121, containing 14 acres, more or less (exclusive of any portion of such land that is located in Lincoln, Massachusetts) ("Lot 2"), to be used for the construction of community (affordable) housing units, and (ii) demolishing the structures located on Lot 2 and preparing the site for the construction of the housing units, provided that such demolition and site preparation costs do not exceed $100,000; and to determine whether such appropriation shall be provided by funds already collected through the Community Preservation Act, provided that if the Town is unable, for any reason, to construct the housing units, any proceeds (up to $500,000) from a subsequent sale of Lot 2, or any portion thereof, shall be returned to the Wayland Community Preservation Fund upon receipt by the Town.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Two-thirds – see Massachusetts General Laws Chapter 40, Section 14. (See Map at Appendix O)

ARTICLE 3: PARTIAL FUNDING FOR NIKE SITE CLEAN UP

Proposed by: Community Preservation Committee *Estimated Cost: $100,000*

To determine whether the Town will vote to appropriate and transfer from the Community Preservation Fund a sum of money to be expended by the Board of Selectmen for site preparation and

demolition and removal of structures and materials on the so-called Nike Site located on and off Oxbow Road in Wayland, Massachusetts containing 13.63 acres of land, more or less, described in a judgment recorded with the Middlesex South Registry of Deeds in Book 8297, Page 121.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44B, Section 6. (See Map at Appendix O)

ARTICLE 4: SET ASIDE COMMUNITY PRESERVATION FUNDS FOR FUTURE OPEN SPACE ACQUISITION

Proposed by: Community Preservation Committee and Conservation Commission
Estimated Cost: $600,000

To determine whether the Town will vote to set aside for later spending a sum of money in the Community Preservation Fund for the future acquisition of land or interest in land for open space for passive use.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44B, Section 6.

ARTICLE 5: ACQUISITION OF NIKE SITE FOR PASSIVE RECREATION

Proposed by: Petitioner

To determine whether the Town will vote to authorize the Board of Selectman, with the approval of the Town Counsel as to form, to acquire by purchase for nominal consideration, gift, or otherwise the parcel of land in Wayland, Massachusetts located on and off Oxbow Road in Wayland containing 13.63 acres of land, more or less, described in a judgment recorded with the Middlesex South Registry of Deeds in Book 8297, page 121, less any portion thereof in Lincoln, for conservation, passive recreation, parks, open space or any combination of such uses; appropriate a sum of money to be expended by the Board of Selectman for the acquisition of said parcel of land and for the demolition and removal of structures and other material located on and under said parcel of land; and to determine whether said appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, from grants received from the Commonwealth or Federal Government, donations, or otherwise.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Two-thirds for an appropriation of funds to acquire land – see Massachusetts General Laws Chapter 40, Section 14. Majority to appropriate or transfer funds for demolition and removal costs – see Massachusetts General Laws Chapter 40, Section 5 and Chapter

44, Section 33B; for borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7. Majority to acquire land by gift. (See Appendix O)

ARTICLE 6: CONSERVATION EASEMENT ASSIGNMENT ON NIKE SITE

Proposed by: Petitioner

To determine whether the Town will vote to authorize the Board of Selectmen and/or the Conservation Commission, with approval of Town Counsel as to form, to enter into an agreement with the present owners, United States of America 300 Westgate Center Drive Hadley MA 01035-9589, (Grantor), of the property know as the Nike site on Oxbow Road, Map 01 Lot047 Book 8297 Page00121 Date July 28, 1954, to establish and grant to the inhabitants of the Town of Wayland, a Massachusetts municipal corporation, having a mailing address Town Building 41 Cochituate Road Wayland MA 01778, (Grantee), in the care and custody of the Wayland Conservation Commission pursuant to Massachusetts General Laws, Chapter 40 Section 8C, with Quit Claim Covenants, the perpetual right and easement to use that portion of the property land located off Oxbow Road in Wayland, Middlesex County, Massachusetts, shown as the area labeled "Conservation Easement Area = 3.5 acres +/-, on the sketch attached hereto as Appendix T ("the Conservation Area") for all purposes consistent with the promotion and development of the natural resources of the Town and which are consistent with "Rules and Regulations governing the use of Conservation Land in the Town of Wayland" as adopted by the Wayland Conservation Commission and as may be amended from time to time for which conservation land, i.e., Town-owned land under the control and custody of the Conservation Commission, is now or may hereafter be allowed in the Town of Wayland, including without limitation the promotion and development of the natural resources of the Town; passive recreation such as walking, hiking, cross country skiing, snow shoeing, and the occasional pruning, trimming, planting of shrubs and trees incidental to woodland trail maintenance.

Notwithstanding anything to the contrary herein contained the Conservation Easement is subject to the following:

The Conservation Easement hereby granted shall be for use and benefit of the Town of Wayland and its agents, employees, guests, invitees and other parties to whom Grantee may give rights to so use the Conservation Easement.

The Conservation Commission, (Grantee), shall have the right to develop and maintain pedestrian trails, walkways and handicap accessible pathways consistent with a conservation management plan, as may be adopted by and changed from time to time by the Wayland Conservation Commission. Grantee shall not permit any loam, peat, sand, gravel, rock or other mineral resource or natural deposit to be excavated or removed from the Conservation Easement Area in such a manner as would affect the surface thereof, except as may be consistent with or incidental to the purposes of the Conservation Easement.

The Conservation Commission, (Grantee), shall not allow or not permit in the Conservation area any active recreational use, including, without limitation, any motorized sports vehicles, such as snowmobiles, all terrain vehicles, race cars, any hunting, discharge of firearms or other projectiles, any archery or use of bow and arrows, any camping, except that Grantee may use motor vehicles to maintain and otherwise manage and enjoy the Conservation Easement; and

With reference only to Grantee's use or activity hereunder, Grantee shall not allow in the Conservation Easement Area any use or activity which would derogate from the provisions of M.G.L. Chapter 184, Section 31 through 33.

The Conservation Easement area shall hereafter in perpetuity be known as the **OXBOW – BIRCHWOOD** Conservation area and Grantee agrees to designate the Conservation Easement area in its records. Grantor and Grantor's successors and assigns shall have the perpetual right to include the entire Conservation Easement area with respect to all or any part of the remaining land owned by Grantor and shown on "Appendix T" in any computation of lot area, yard area, set-back distance or any other computation ("land use computations") required or permitted under zoning by-law, subdivision control law, or other governmental rule, regulation, law, ordinances, permit, or approval.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

PETITIONERS COMMENTS: Enactment of this proposed legislation would permit the Board of Selectmen and/or the Conservation Commission to request, from the owners of the property, the construction of a Conservation Easement on the perimeter of the Nike Site property. The Conservation Commission has had a long-standing goal to construct a handicap accessible trail on Conservation property. The very level terrain and consistent topology of this site provides a unique opportunity for the Town to meet a long-term goal to construct a handicap accessible trail within a natural wooded environment. These handicap accessible trails would be linked to the Town of Lincoln trails and the Bay Circuit Trails.

QUANTUM OF VOTE: Majority. (See Appendix T)

ARTICLE 7: ACCEPT LAW RE: TRANSFER OF RETIREES TO MEDICARE EXTENSION PLAN

Proposed by: Board of Selectmen

To determine whether the Town will vote to accept the provisions of Massachusetts General Laws Chapter 32B, Section 18.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 32B, Section 18. (See Appendix P)

ARTICLE 8: REPRINT THE PURITAN VILLAGE EVOLVES

Proposed by: Petitioner *Estimated Cost: $5,000*

To determine whether the Town will vote to reprint 200 copies of Helen F. Emery's The Puritan Village Evolves, the only published history of Wayland, Massachusetts. The initial cost to the Town of $5,000 will be returned to the Town through sales of the book.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

PETITIONER COMMENTS: In 1981, 1,500 copies of Helen Emery's The Puritan Village Evolves were published by the Town of Wayland. Mrs. Emery had turned the copyright over to the Town of Wayland before publication, and all receipts from sales of the book were returned to the Town. All 1,500 copies have been sold. The petitioners are seeking a reprint of 200 copies, which we feel is a reasonable number for the foreseeable future. In the light of Mrs. Emery's death in 2003, it would also pay tribute to all her labor in behalf of the Town for which she received no compensation. The Puritan Village Evolves is the only published history of Wayland. Its impeccable research makes it a valuable resource for schoolchildren and townspeople.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

ARTICLE 9: INTER-LOCAL MUNICIPAL COOPERATION AGREEMENT

Proposed by: Board of Selectmen

To determine whether the Town will vote to pursuant to General Laws Chapter 40, Section 4A, as amended, to authorize the Board of Selectmen to enter into an agreement or agreements with other communities which will, among other things, allow for contracting of inter-local municipal services and the sharing of resources.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 4A. (See Appendix Q)

ARTICLE 10: RELOCATE DRAINAGE EASEMENT AT 49 FORTY ACRES DRIVE

Proposed by: Board of Selectmen

To determine whether the Town will vote:

(a) to instruct the Board of Road Commissioners, with the approval of Town Counsel as to form, to transfer the care, custody, management and control of all or any portion of the drainage easement on 49 Forty Acres Drive, Wayland, Massachusetts, shown as "20' WIDE DRAIN EASEMENT" on a plan entitled "Forty Acres Estate Subdivision Plan of Land on Cochituate Road in Wayland Mass.", dated April 14, 1961, prepared by Everett M. Brooks Co., Civil Engineers, and recorded with the Middlesex South Registry of Deeds as Plan No. 1509 of 1961 in Book 9911, Page 105, to the Board of Selectmen for the purpose of releasing, conveying, transferring, exchanging or otherwise disposing of all or any portion of said easement in exchange for a substantially similar drainage easement;

(b) to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to release, convey, transfer, exchange or otherwise dispose of all or any portion of the drainage easement described in Paragraph (a) above in exchange for a substantially similar drainage easement shown

as "Proposed 20' Wide Drain Easement" on a plan entitled "Plot Plan of Land in Wayland, Ma. Prepared For: Philip Whaley", dated February 17, 2004, prepared by Schofield Brothers of New England, Inc., a copy of which plan is on file in the Office of the Town Clerk; and

(c) to authorize the Board of Selectmen, with the approval of Town Counsel as to form, to execute and record all necessary and appropriate documents to effectuate the release, conveyance, transfer, exchange or other disposition of all or any portion of the drainage easement as described in Paragraph (a) above in exchange for a substantially similar drainage easement described in Paragraph (b) above, provided that the owner of said 49 Forty Acres Drive pays the Town's costs of said transaction.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: (a) Two-thirds – see Massachusetts General Laws Chapter 40, Section 15A. (b) Majority – see Massachusetts General Laws Chapter 40, Section 3. (c) Majority.

(See Map at Appendix R)

ARTICLE 11: AMEND TOWN CODE SECTION 36-3C, SUBMISSION OF WARRANT ARTICLES

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend the Town Code, Section 36-3C, "Submission of Warrant Articles," by deleting therefrom the words "before the time and date fixed by the Board of Selectmen for closing of the warrant for such meeting." and replacing them with the following: "by 4:30 p.m. on the date fixed by the Board of Selectmen for closing of the warrant for such meeting."

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent within Massachusetts and federal law. (See Appendix J)

ARTICLE 12: ESTABLISH A NEW BY-LAW REQUIRING PROMPT REMOVAL OF UTILITY POLES

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend the Code of the Town of Wayland by adding to Chapter 158 thereof the following a new by-law, relative to the prompt removal of utility poles:

ARTICLE V
Removal of Utility Poles

§158-13. Prompt Removal of Utility Poles. In accordance with the provisions of Section 34B of Chapter 164 of the Massachusetts General Laws, an electric distribution company or telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs and the removal of the existing pole from the site within 90 days from the date of installation of the new pole or within 90 days from the effective date of this by-law, whichever is later; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, said company shall be required to remove such existing pole within six months from the date of installation of the new pole. The owner of such pole shall notify all other users of the pole of the starting date of such removal and installation work at least 48 hours prior to the commencement of such work, and said owner shall require all other users to remove their wiring and other attachments from the poles in a timely manner. As used herein, the term "owner" shall mean the entity owning or having majority ownership of any such pole.

§158-14 Penalties for Violations. Violations of the terms of this by-law provision shall be punishable by a penalty of one hundred dollars per pole for each pole for each day of violation. This section of the By-Laws may be enforced by a non-criminal citation pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 21D, by any police officer of the Town, the Building Commissioner or the Director of Highway Operations.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law.

ARTICLE 13: AMEND BY-LAW RE: FALSE ALARMS

Proposed by: Board of Selectmen

To determine whether the town will vote to amend the Code of the Town of Wayland by deleting from Chapter 83, §83-2, Paragraph A (2) thereof the words "and subsequent false alarms," and inserting in place thereof "false alarm, and one hundred dollars for the sixth and subsequent false alarms."

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and

recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with Massachusetts and federal law. (See Appendix S)

ARTICLE 14: CONNECTION OF PUBLIC LIBRARY TO TOWN SEWER SYSTEM

Proposed by: Board of Library Trustees

To determine whether the Town will vote to appropriate a sum of money to be expended by the Board of Library Trustees for the connection of the Public Library located at 5 Concord Road, Wayland, Massachusetts to the Town-owned wastewater management system controlled and managed by the Wastewater Management District Commission; and to determine whether said appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 5 and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Sections 7 and 8.

ARTICLE 15: LENGTH OF CONTRACT AND INDEMNIFICATION OF TREATMENT PLANT OPERATOR

Proposed by: Wastewater Management District Commission

To determine whether the Town will vote to authorize the Wayland Wastewater Management District Commission to :

(a) enter into service contracts with terms exceeding three years; and

(b) enter in an agreement indemnifying its treatment plant operator against claims to the extent due to the negligence of the Town or to the extent due to events beyond the control of the operator.

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: (a) Majority – see Massachusetts General Laws Chapter 30B, Section 12(b). (b) Majority – see Massachusetts General Laws Chapter 40, Section 4.

ARTICLE 16: PETITION LEGISLATURE TO ENACT SPECIAL ACT FOR SAFE PLACEMENT OF NEWBORNS AND INFANTS

Proposed by: Petitioner

To determine if the Town will vote to authorize the Board of Selectmen to petition the Legislature to enact a Special Act which would provide for safe placement of newborns and infants in the Town of Wayland. Since parents are not protected from prosecution for their abandonment of a newborn or infant, the incidents of newborns discarded into trash receptacles or abandoned in public places will continue to occur. This act would seek to protect the health and safety of any infant child seven (7) days of age or younger by allowing his or her acceptance when placed by parents or lawful agents of parents with authorized employees of designated facilities ("safe havens" such as police, fire stations or hospitals). The authorized employees at such facilities shall make every effort to obtain information about the child and family (in the best interests of the child) while adhering to regulations, including confidentially, and will provide a pamphlet to the parents outlining the process of their rights. (The full text of the proposed home rule petition law is available separately.)

FINANCE COMMITTEE COMMENTS: The Finance Committee has not had an opportunity to research, discuss and vote the special town meeting articles. We will therefore defer commentary and recommendation until the Special Town Meeting.

QUANTUM OF VOTE: Majority – see Massachusetts Constitution Amendment Article 2, Section 8(1).

WARRANT ARTICLE PROCESS
Non-Petitioner Articles

This document is a guide for governmental bodies wishing to include articles in the Warrant for either the Annual Town Meeting (ATM) or Special Town Meeting (STM). There are generally three sources for such articles: standard articles that appear each year (the omnibus budget, for example); articles from petitioners who desire the Town to take certain actions; and articles from official elected and appointed boards, commissions, and committees. Preparing for Town Meeting requires a great deal of time from many people. Well-reasoned, technically correct, and complete articles help make the most efficient use of limited time and resources.

Form of the Warrant Article

All articles should be submitted on the form provided. They may follow the format used in prior warrants but must be original and not marked-up photocopies. Articles should be as fully developed as possible at the time of submission. The article's sponsor should consult with appropriate people or organizations, obtain validated facts and figures, address legal issues, and draft the wording of articles prior to submission.

ATM Time Line and Process

Date	Action	Responsibility
December 15, 4:30	*Submit all articles for Annual Town Meeting (on computer disk if possible)* Articles are collected and numbered, and copies are given to the Board of Selectmen and Finance Committee. Sponsors should provide comments and arguments in favor of their articles at the time of submission.	Executive Secretary
December 15 - Mid-March	*Review articles, determine their order, vote on which non-petitioner articles to include in the Warrant, vote positions on most articles* The Board discusses substantive articles with sponsors under the board's jurisdiction and often meets with sponsors of other articles.	Board of Selectmen
December 15 - Mid-March	*Review each article and prepare a report for the Warrant* The Committee meets with the sponsors of all articles to discuss the articles' merits, financial implications, and other relevant issues. A member of the Committee is assigned to each article to prepare a report for the warrant, including pro and con arguments and the Committee's recommendation.	Finance Committee
January - Mid-March	*Meet with Finance Committee and/or Board of Selectmen to discuss articles; meet required prerequisites, such as hearings, notification of abutters, reports from other boards* Such discussions help to identify issues that require further work as well as arguments for and against passage.	Sponsor of article (including petitioners)

January - Mid-March	*Review articles for form and legal correctness, add required legal citation(s), indicating the quantum of vote required for passage, prepare final wording of motions*	Town Counsel
February-March	*Hold hearings on articles with zoning By-Law implications* The Planning Board is required to hold hearings on articles proposing zoning changes and to make a report on the floor of Town Meeting.	Planning Board
March 17 (approximately)	*Submit completed warrant to the printer*	Executive Secretary and staff
7 days prior to ATM	*Mail warrant to registered voters*	Executive Secretary and staff
Approximately 7 days prior to ATM	*Hold a warrant article hearing* A hearing is held to review the warrant.	Board of Selectmen with Moderator and Finance Committee
ATM	*Consider each article at ATM.* Normally, the sponsor makes the motion and speaks to the article's merits. Citizens are encouraged to debate the merits of articles, ask questions, and make amendments when appropriate. Amendments should be legibly written for submission to the moderator and should be made available to citizens when possible.	Town Meeting Attendees

Budgets

Following a similar timeline, the Finance Committee sets budget guidelines, meets with all departments to review their budgets, and puts together the omnibus budget, including the five-year capital planning budget. The Board of Selectmen reviews the budgets of all departments under its jurisdiction and meets with the Finance Committee for final consideration.

Special Town Meeting

The Board of Selectmen must vote to hold a special Town meeting. The Board sets the date for the meeting, usually a minimum of 45 days in advance, and accepts articles for the Warrant for about five days. The above timeline and process should be followed, except that the Warrant must be mailed to registered voters 14 days prior to the STM.

ARTICLE FOR ANNUAL TOWN MEETING

SPONSOR_____ DATE RECEIVED_____

TELEPHONE/Day_____

CONTACT PERSON_____ TELEPHONE/Evening_____

BOARD VOTE_____ DATE OF VOTE_____

TITLE_____

COST_____ NO COST _____ COST ESTIMATE AVAILABLE ON_____

TEXT: To determine whether the Town will vote to

COMMENTS

PROS

CONS

SIGNATURE OF CHAIR_____ DATE_____

WARRANT ARTICLE PROCESS
Guide for Petitioners

Citizens have the right to submit articles for consideration by the Town meeting. Such articles must be in writing and signed by ten or more registered voters for Annual Town Meeting (ATM) or 100 or more registered voters for Special Town Meeting (STM), using the attached form. All petitioners' articles must be submitted by December 15th for ATM or by the date stated for submission of articles for STM. All petitioners' articles having the required number of qualified signatures must be included in the Town meeting Warrant by state statute.

Duplicate petitions and petitions that call for an action that is not legal under Town By-Law or state statute are usually passed over and petitioners whose concerns are not considered by Town meeting are disappointed. Such articles are costly in terms of printing and in the time boards, committees, and staff spend reviewing and preparing the warrant. **The Board of Selectmen and the Finance Committee encourage citizens to work with appropriate Town boards to achieve their goals whenever possible before submitting petitioners' articles.**

ATM Time Line and Process

Date	Action	Responsibility
Late November	*Hold a workshop for citizens interested in submitting petition for Annual Town Meeting.* Potential articles and the submission process may be discussed with the Selectmen and experienced volunteers.	Board of Selectmen
December 15, 4:30	*Submit petitioners' articles for Annual Town Meeting (on computer disk if possible)* Articles are collected and numbered, and copies are given to the Board of Selectmen, Finance Committee, Moderator, and Town Counsel. Petitioners are encouraged to provide comments, arguments in favor, and arguments against their articles at the time of submission.	Executive Secretary
January - Mid-March	*Review articles, determine their order, vote positions on most articles; may meet with petitioners* The Board may discuss substantive articles with petitioners or attend the Finance Committee's meeting with petitioners.	Board of Selectmen
January - Mid-March	*Study each petitioner's article and prepare a report for the Warrant* The Committee meets with petitioners to discuss their article. They may explore alternative means for accomplishing the article's objective. A member of the Committee is assigned to the article to prepare a report for the Warrant, including pro and con arguments and the Committee's recommendation.	Finance Committee

Date	Action	Responsibility
January - Mid-March	*Meet with Finance Committee and/or Board of Selectmen to discuss article; write report of no more than 150 words to be printed in the warrant if desired and if the Finance Committee prepares a report* Such discussions help to identify issues that require further work on the part of the petitioner as well as to identify arguments for and against passage.	Petitioners
Late November	*Hold a workshop for citizens interested in submitting petition for Annual Town Meeting.* Potential articles and the submission process may be discussed with the Selectmen and experienced volunteers.	Board of Selectmen
January - Mid-March	*Review articles for form and legal correctness, add required legal citation(s), indicating the quantum of vote required for Passage*	Town Counsel
March 15 (approximately)	*Submit completed warrant to the printer*	Executive Secretary and staff
7 days prior to ATM	*Mail warrant to registered voters*	Executive Secretary and staff
Approximately 7 days prior to ATM	*Hold a warrant article hearing* Petitioners should attend this hearing to review their warrant articles.	Board of Selectmen with Moderator and Finance Committee
ATM	*Move the article and make a brief presentation on the merits of the article* Movers of articles have a limited amount of time to explain and present arguments in favor of passage of the article (currently 10 minutes). This presentation is made at the procedural (center) microphone. Petitioners may prepare handouts and slides. If the motion differs substantially from the article printed in the warrant, printed copies should be prepared for the moderator and made available for people attending Town Meeting.	Lead Petitioner
ATM	*Consider each article at ATM* Citizens are encouraged to debate the merits of articles, ask questions, and make amendments when appropriate. Amendments should be legibly written for submission to the moderator and made available to people attending Town Meeting.	Town Meeting attendees

Special Town Meeting

The Board of Selectmen must vote to hold a special Town meeting. The Board sets the date for the meeting, usually a minimum of 45 days in advance, and accepts articles for the Warrant for one week. The above timeline and process should be followed, except that petitions require 100 signatures and the Warrant must be mailed to registered voters 14 days prior to the Special Town Meeting. Special Town Meetings are also called upon receipt of a citizens' petition with 200 signatures.

INSTRUCTIONS FOR COMPLETING PETITIONERS ARTICLE FORM

PAGE 1

Lead Petitioner: The lead petitioner will serve as spokesperson for the article and will be the contact for the Finance Committee and the Board of Selectmen, and by the Planning Board if the petition is a zoning issue.

Date Received: The date received will be stamped on the petition when it is received by the Executive Secretary.

Phone Numbers: Please provide a day and evening phone number where the lead petitioner may be contacted.

Title: Please provide a brief title that describes the purpose of this article.

Town Board/Department Affected: Please list the Town board(s) or department(s), if any, that will be affected if this article passes.

Estimated Cost: Please provide an estimate of the cost if passage of this article will have a financial impact on the Town.

Article: Please describe fully and unambiguously what you wish the Town meeting to vote on.

PAGE 2

Please provide comments, arguments in favor, and arguments that might be used to oppose your article suitable for printing in the Warrant. (These may not be printed exactly as submitted.)

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING

LEAD PETITIONER_____ DATE RECEIVED_____

DAY PHONE_____ EVENING PHONE_____

TITLE_____

TOWN BOARD/DEPARTMENT AFFECTED BY ARTICLE_____

ESTIMATED COST_____

ARTICLE: To determine whether the Town will vote to

Add comments and pro and con arguments on the next page. Thank you.

#	Print Name Legibly	Signature	Print Street Address
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

PETITIONERS ARTICLE FOR WAYLAND TOWN MEETING
Page 2

COMMENTS

PRO ARGUMENTS

CON ARGUMENTS

APPENDIX A

THE MODERATOR'S RULES AND REGULATIONS GOVERNING WAYLAND'S TOWN MEETINGS

The following information may help you to participate fully in Wayland's town meetings, which have been held each year since 1639:

I. The Warrant

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting at the Town Building, the Library, the Cochituate Fire Station or the Cochituate Post Office and the Happy Hollow School. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed, if this is an annual meeting, the report and recommendations of the Finance Committee upon each article and additional information concerning the finances and administration of the Town to help us formulate our votes.

No action of this Town Meeting will be valid unless it shall have been taken under an article set forth in the Warrant.

Each article will be considered in the order in which it appears on the Warrant, unless the meeting shall have voted to do otherwise by a two-thirds vote.

II. The Voters

A. All residents of Wayland, who have been duly registered as voters, are urged to attend, participate, debate and vote at all annual and special town meetings subject to laws of the Commonwealth of Massachusetts, the By-Laws of the Town and these rules and regulations.

B. All other persons may attend and observe Wayland's town meetings so long as they remain seated in the special section that has been reserved for this purpose, unless the Moderator shall have authorized them to sit among the registered voters. And see paragraph IV.B.3 below.

C. A registered voter may bring his or her child(ren) to sit among the voters so long as the child(ren) sit(s) quietly beside his or her parent at all times.

III. The Moderator

The Moderator is elected by ballot for a three year term at the annual election of town officers to preside at all Town meetings during his or her term of office and is authorized by state law to regulate the proceedings, decide all questions of order and make public declaration of all votes, subject to the By-laws that Wayland has enacted to regulate the proceedings of town meetings. All rulings of the Moderator are final.

IV. The Meeting

A. The Call to Order

1. The Moderator will call each session of town meeting to order at 7:45 p.m., or as soon thereafter as the Town Clerk has determined that a quorum of one hundred registered voters has been checked into the hall.

2. All persons, who have not registered to vote in Wayland, including members of the press, must sit in the section reserved for non-residents, unless the Moderator has authorized them to sit among the voters.

3. The Moderator will announce the number of each article about to be considered and invite a motion thereunder; the Moderator will omit the reading of the articles, unless a MAJORITY of the meeting shall vote otherwise.

B. To Address the Town Meeting

1. No person may address a town meeting until and unless he or she shall have been recognized by the Moderator. All persons shall, at the request of the Moderator, be silent.

2. All persons, who wish to be recognized, shall approach one of the three microphones placed at the front of the room, which most closely reflects the purpose for which they seek recognition:

a. The Procedural Microphone (in the middle) will be available to those who have been recognized by the Moderator and wish to offer:

1) The main motion under the article being considered and a presentation in support thereof;

2) The principal presentation in opposition to the main motion. See paragraph IV.C.2.a below;

3) An amendment to a main motion;

4) A question seeking information or guidance from the Moderator as to procedure, including a point of order;

5) An answer to a question seeking information; and

6) A point of order or procedural motion, such as:

a) a motion to terminate debate;

b) a motion challenging the Moderator's declaration of a vote;

c) a motion questioning the presence of a quorum; and

d) a motion to adjourn.

b. The "Pro" Microphone will be available to those persons recognized by the Moderator who wish to speak in support of a motion on the floor.

c. The "Con" Microphone will be available to those persons recognized by the Moderator who wish to speak in opposition to a motion on the floor.

The Moderator will normally recognize those persons, who are standing behind or seated near each microphone in a single file, in the order of their entry into that file, alternating between the Pro and the Con mikes; but reserves the right to recognize any person at any time, including a person who has not approached a mike, a person who is handicapped or a person who has risen to a point of order. Any person whose remarks are

not consistent with the purpose of the microphone that he has been permitted to use, shall yield the floor upon request of the Moderator.

3. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a voice vote. If the majority shall vote to hear the non-resident, the Moderator will give him/her the floor.

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: "Mr. Moderator, I am (Name) of (Street Address)." Then proceed as follows:

a. "I move that . . .";

b. "May I ask you . . ."; or
"May I ask through you (then state the question which you want a board, official, or previous speaker to answer);

c. "I rise to a point of order"; or

2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but

a. Any person who wishes to offer the principal presentation in support of, or in opposition to, the main motion under an article, must so notify the Moderator and complete the same within ten minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the following minute.

b. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in three minutes, or less, and yield the floor. The same one minute warning light will be turned on when you have used up the first two minutes.

c. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.

d. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.

3. If you have a question concerning the legality or propriety of the proceedings, you may approach the Procedural Microphone and address the Moderator without waiting to be recognized, saying: "Mr. Moderator, I rise to a point of order." When you have been recognized, you must state the reason for your point, which may include that a motion is beyond the scope of the article under consideration, that the person who has the floor is not addressing the merits of the motion or that a quorum is not present. The Moderator will then rule on the point and his ruling is final.

4. If you wish to offer a motion within the scope of the article under consideration, follow the procedure outlined under paragraph IV. B and C above.

a. If your motion is the main motion, you must then declare that it is identical word-for-word with the substantive portion of the article

printed in the warrant which is then under consideration, or describe all of the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion.

b. If you plan to offer a main motion, which contains more than twenty-five words and differs significantly from the article printed in the Warrant, you must first print and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.

c. No motion or amendment of a motion that exceeds ten words in length will be accepted, unless it shall have been offered to the Moderator in writing.

d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be permitted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article.

e. The Moderator will permit no motion to appropriate and/or expend a sum of money, which exceed the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.

f. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

5. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.

6. Wayland's practice with respect to some common subsidiary motions is generally as follows:

a. You may amend a motion by moving to add and/or delete words to and/or from the main motion or by substituting a new motion therefor; but the Moderator permits no more than two amendments to a main motion *at a time*. A motion to amend is debatable and requires only a MAJORITY vote, even though the main motion may require a TWO-THIRDS vote.

b. You may move to refer a matter for further study, if your motion identifies the official or committee who shall conduct such study, how it shall report, when and to whom. In the event that you wish to establish a new committee for this purpose, the motion must specify the number of members who shall serve and who shall

appoint them. A motion to refer is debatable and may be amended and requires a MAJORITY vote.

c. You may move to advance or postpone consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.

d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.

e. You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

6. Upon the expiration of sixty minutes after the main motion under any article shall have been seconded, the Moderator may terminate debate thereon, unless the Town Meeting shall have voted to extend the time available for further debate. *The time needed to count the vote(s) upon the motion(s) under the article will not be included in the sixty minutes.*

7. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated only by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, "move the previous question". If your motion receives a second, the Moderator will ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon your motion without permitting any amendment; but if one or more persons, who have not spoken to said motion, raise their hand, the Moderator may defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

8. If you wish to adjourn a session of the Town Meeting before all of the articles have been disposed of, you must specify the date and time when the Meeting shall resume. Such motion may be made at any time, is debatable, may be amended and requires a MAJORITY vote.

7. If an article of the Warrant has once been acted upon and disposed of, a motion to return to the article may be made at any time; however, debate and action on said motion shall be deferred until all other articles shall have been disposed of and shall occur in the numerical order of each such article. In any event, a motion to reconsider is debatable, may not be amended and requires a TWO-THIRDS

vote, unless it shall have been made before the article has been disposed of; in which event it requires a vote *equal to the quantum of the vote that was required to pass the motion under the article to be reconsidered.* If such motion carries, the Moderator will ask whether there is a new motion under the article to be reconsidered.

D. The Vote

Before calling for a vote, the Moderator will usually repeat the motion under consideration (as the same may have been amended), unless it is substantially identical to the article:

1. The Moderator will then ask all those in favor to say, "Aye". He will then invite those opposed to say, "No". If the Moderator is in doubt as to whether the motion has carried, he or she may call for another voice vote; or may ask those in favor to stand, before he asks those opposed to stand. Sometimes, the Moderator will reverse this procedure before declaring the vote.

2. If the Moderator is still in doubt, or if seven or more voters have immediately questioned his declaration of such vote, he will call for the tellers to help him take a standing counted vote -- two tellers for each section of the hall so that they may check each other's results. The Moderator will then repeat the motion and say, "All those in favor will rise and remain standing until counted." When the count has been completed, the Moderator will ask those who are opposed to stand and be counted. As soon as each team of tellers has agreed upon the count in their section, they will be asked to report their portion of the vote from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration is final.

3. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion, the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote.

4. If a TWO-THIRDS vote is required to carry a subsidiary or procedural motion, such as a motion to terminate debate ("move the previous question"), the Moderator need not take a count, even though the voice vote upon such motion was not unanimous, if the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative. The Moderator shall then declare that such motion has carried and the Clerk shall record such declaration together with a note that there was "a scattering of nos."

5. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot, the Moderator will ask the Tellers to come forward and take their places at the ballot boxes that will be placed at the front of the Hall by the Town Clerk. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot box. The voters will then rise and proceed row-by-row to their box, tear their ballots into two parts, deposit one half in the box, the other half in the discard box and return to their seat. In order to assure the security of all secret ballots:

a. No one will be allowed to vote without a ballot which bears the color announced by the Moderator.

b. No one will be permitted to cast a ballot until he or she shall have discarded the other half of the ballot into the discard box in the custody of the Teller.

c. No one will be permitted to leave the hall until after the meeting has adjourned, unless he or she shall have turned all of the ballots that have not actually been used during a vote to the Checkers at the door.

When all of the ballots shall have been cast, the Tellers will open the ballot boxes and count the ballots at the tables situated at the front of the Hall in front of the podium.

The Moderator will then ask for the unanimous consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of the next Article. When the Tellers have completed their count, they shall report their count to the Moderator, the Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final.

The Moderator will then ask for the unanimous consent of the meeting to return to the Article (a 2/3 vote is required) under which the secret ballot has been taken.

E. Adjournment

1. Each session of a Town Meeting shall be adjourned by the Moderator (a) at 10:30 p.m., or as soon thereafter as the Meeting has disposed of the article then under consideration or postponed action thereunder, or (b) voted to adjourn at a different time.

2. No motion to dissolve the Town Meeting (to adjourn *sine die*) is in order until every article shall have been duly considered, acted upon and declared as disposed of.

V. Questions

In the event that you have a question concerning the conduct of the meeting or the status of any motion being considered, you are invited to approach the Procedural Microphone and to address your question to the Moderator as soon as you have been recognized.

Thank you for joining us tonight to do the Town's business.

C. Peter R. Gossels, Moderator
November 25, 2003

APPENDIX B

Chapter ____. AN ACT RELATIVE TO THE POSITION OF TOWN ADMINISTRATOR OF THE TOWN OF WAYLAND.

Be it enacted, etc., as follows:

SECTION 1. The Town Administrator of the Town of Wayland shall be the chief operating and administrative officer of the Town and, notwithstanding any general or special law to the contrary, shall be accountable to the Board of Selectmen. The Town Administrator shall be responsible and accountable for ensuring there is appropriate administration and coordination both in the implementation and on-going adherence to Town policies affecting various Town departments and in the development and execution of programs affecting various Town departments.

SECTION 2. Notwithstanding any general or special law to the contrary, subject to ratification by majority vote of the full membership of the Board of Selectmen then serving, the Town Administrator shall have the power and authority to appoint, on the basis of merit and fitness alone: (a) a Police Chief (b) a Fire Chief; and (c) a Finance Director, who shall have the authority and responsibilities of a town accountant; and, without ratification by the Board of Selectmen, (d) a Building Commissioner, (e) one or two Directors of the Council on Aging, (f) a Conservation Administrator, (e) a Town Treasurer and Collector; and (g) such other Town officers, department heads and employees as authorized by order of the Board of Selectmen or by-law of the Town. The Town Administrator shall have the power and authority to evaluate, discipline and, for cause, remove the appointees from all of said positions. The Town Administrator will consult with relevant primary boards and committees working with the department heads prior to implementing personnel related actions.

SECTION 3. Notwithstanding any general or special law to the contrary, with respect to department heads working for elected boards other than the Board of Selectmen, the Town Administrator will provide feedback to the elected board on the employee's job performance, at a minimum as part of the annual evaluation process and will provide input to the elected board on personnel hiring and removal. Evaluation feedback will address the Town Administrator's interaction with the department head relating to areas addressed under the Code of the Town of Wayland, Chapter 60, Section 2.2. (a) through (g), thereof, and other similar interactions. Final authority over hiring, evaluating, disciplining and removal will remain with the elected board, with input provided by the Town Administrator.

SECTION 4. Chapter 307 of the Acts of 1972 is hereby amended by striking therefrom the word "Selectmen" wherever it appears in said Act and inserting in its place the words "Town Administrator."

SECTION 5. This act shall take effect upon its passage.

APPENDIX C

ARTICLE 13: PERSONNEL BY-LAWS AND WAGE AND CLASSIFICATION PLAN

GROUP: NON-UNION - ADMINISTRATIVE AND PROFESSIONAL

Effective: July 1, 2004 (No wage adjustment)

Step	1	2	3	4	5	6	7	8	9	10
G-1	57,526	58,759	59,991	61,224	62,455	63,687	64,920	66,152	67,384	68,617
G-2	59,826	61,109	62,391	63,673	64,954	66,236	67,519	68,800	70,082	71,364
G-3	--	--	--	--	--	--	--	--	--	--
G-4	72,368	73,918	75,469	77,020	78,570	80,121	81,671	83,222	84,773	86,323
G-5	75,261	76,872	78,485	80,098	81,710	83,323	84,934	86,547	88,160	89,773
G-6	81,051	82,787	84,526	86,262	88,000	89,737	91,474	93,212	94,949	96,687

Step	11	12	13	14	15
G-1	69,848	71,080	72,313	73,545	74,785
G-2	72,645	73,928	75,210	76,491	77,774
G-3	--	--	--	--	--
G-4	87,874	89,424	90,975	92,526	94,078
G-5	91,393	92,997	94,609	96,222	97,838
G-6	98,424	100,162	101,899	103,636	105,365

G-1 - Dir of Human Resources/Asst Exec Secretary
G-2 - Highway Director
G-2 - Water Superintendent
G-2 - Library Director
G-2 - Park & Recreation Superintendent
G-4 - Fire Chief
G-5 - Finance Director
G-6 - Police Chief

GROUP: NON-UNION - NON-ADMINISTRATIVE AND PROFESSIONAL

Effective: July 1, 2004 (No wage adjustment)

Step	1	2	3	4	5	6	7	8	9	10
SG-2	31,561	32,161	32,772	33,394	34,029	34,675	35,334	36,006	36,690	37,387
SG-3	34,086	34,817	35,547	36,276	37,008	37,739	38,470	39,199	39,929	40,659
SG-4	36,813	37,602	38,390	39,179	39,968	40,757	41,545	42,334	43,123	43,911

Step	11	12	13	14	15
SG-2	38,097	38,821	39,559	40,310	41,076
SG-3	41,389	42,121	42,851	43,583	44,312
SG-4	44,700	45,489	46,277	47,066	47,856

SG-2 - Computer Technician
SG-3 - Outreach Coordinator (PT)
SG-4 - Administrative Secretary, Selectmen

GROUP: NON-UNION – SCHOOL NURSES
Effective: July 1, 2004 (new)

Head School Nurse	31.50
School Nurse	28.68

GROUP: NON-UNION - POLICE
Effective: July 1, 2004 (No wage adjustment)

Step	Starting	1	2	3
P-4	59,341	62,307	65,423	68,693

P-4 - Lieutenant

GROUP: NON-UNION - OFFICE STAFF
Effective: July 1, 2004 (No wage adjustment)

Step	Minimum	1	2	3
S-9	27,449	28,607	29,751	30,895
S-10	28,607	29,744	30,992	32,182
S-12	31,040	32,334	33,628	34,920
S-13	32,263	33,607	34,950	36,296
S-14	33,550	34,947	36,345	37,744
S-15	34,855	36,307	37,760	39,212
S-16	36,271	37,783	39,295	40,805
S-17	37,708	39,278	40,849	42,422
S-18	39,260	40,894	42,530	44,167

S-12 - Sr Clerk, Health (PT)
S-12 - Sr Clerk, Landfill (PT)
S-13 - Secretary, Fire Department (PT)
S-14 - Recreation Program Asst (PT)
S-15 - Administrative Assistant, Youth Services (PT)
S-16 - Personnel Secretary
S-16 - Administrative Asst, Police

GROUP: NON-UNION - BUILDING INSPECTORS
Effective: July 1, 2004 (No wage adjustment)

Step	Minimum	2	3	4	Maximum
	18.54	19.46	20.43	21.46	22.53

Gas & Plumbing Inspector (PT)
Wiring Inspector (PT)

GROUP: NON-UNION - PUBLIC SAFETY
Effective: July 1, 2004 (No wage adjustment)

	Annual	Hourly
Traffic Supervisor	6,489	--
Traffic Supervisor, Substitute	--	37.20
Special Police Matron	--	16.54
Call Firefighters	--	16.54
Call Firefighters Coordinator	--	17.64
Police Custodian (PT)	--	13.19
Police Intern	--	8.55

GROUP: NON-UNION – ON-CALL DISPATCHERS
Effective: July 1, 2004

	Yr 1	Yr 2	Yr 3	Yr 4
On-call Dispatcher	15.61	16.33	17.05	17.77

GROUP: NON-UNION - SEPTAGE
Effective: July 1, 2004 (No wage adjustment)

	Starting	1	2	3
Wastewater Facility Monitor (PT)	12.37	13.01	13.67	14.33

GROUP: NON-UNION - TOWN POOL
Effective: May 1, 2004 (No wage adjustment)

	Yr 1	Yr 2	Yr 3	Yr 4
	0-360 Hrs	361-721 Hrs	721-1080 Hrs	1081+ Hrs
Pool Head Lifeguard	15.05	15.51	15.97	16.44
Pool Secretary	10.36	10.71	11.05	11.40
	0-360 Hrs	361-721 Hrs	721-1080 Hrs	1081+ Hrs
Sr Lifeguard	10.42	10.76	11.11	11.46
Swim Instructor	8.82	--	--	--
Front Desk Clerk - Pool	8.39	8.68	8.97	9.26

GROUP: NON-UNION - HOURLY LIBRARY CLERKS
Effective: July 1, 2004 (No wage adjustment)

Step	1	2	3	4	5	6	7	8	9	10
	12.51	12.79	13.08	13.35	13.60	13.88	14.15	14.42	14.70	14.97

Step	11	12	13	14	15
	15.23	15.50	15.79	16.05	16.32

GROUP: NON-UNION - HOURLY LIBRARY PART-TIME WEEKEND PROFESSIONALS
Effective: July 1, 2004 (No wage adjustment)

Step	1	2	3	4	5	6	7	8	9	10
	19.70	20.06	20.42	20.77	21.14	21.49	21.86	22.21	22.58	22.93

Step	11	12
	23.29	23.65

NON-UNION - LIBRARY
GROUP: PAGES
Effective: July 1, 2004 (No wage adjustment)

Step	Yr 1	Yr 2	Yr 3
	7.41	7.87	8.30

GROUP: NON-UNION - VETERANS' AGENT
Effective: July 1, 2004 (No wage adjustment)

	Annual
Veterans' Agent	3,302

GROUP: NON-UNION - SEASONAL - SUMMER PLAYGROUND
Effective: May 1, 2004 (No wage adjustment)

	Yr 1	Yr 2	Yr 3	Yr 4
Day Program Coordinator	18.74	19.30	19.88	20.48
SA Program Director	16.54	17.04	17.53	18.06
SA Asstistant Director	13.78	14.20	14.62	15.06
Lead Teacher	13.78	14.20	14.62	15.06
Assistant Teacher	12.13	12.49	12.86	13.25
SA Sr Counselor	11.02	11.36	11.70	12.05
Counselor	9.92	10.22	10.52	10.84
Jr Counselor	7.72	7.95	8.20	8.43

SA - Summer Adventure Program

GROUP: NON-UNION - SEASONAL - MISCELLANEOUS
Effective: May 1, 2004 (No wage adjustment)

	Yr 1	Yr 2	Yr 3	Yr 4
Conservation Laborer	10.42	11.17	11.92	12.59
Landfill Clerk	11.90	(6 week position)	--	--
Park & Recreation Laborer	11.77	12.36	12.95	--

GROUP: NON-UNION - SEASONAL - MISCELLANEOUS
Effective: May 1, 2004 (No wage adjustment)

	Yr 1	Yr 2	Yr 3	Yr 4
Beach Director	16.21	16.67	17.13	17.59
Snack Bar Supervisor	10.42	10.73	11.06	11.39
Snack Bar I	9.26	9.55	9.82	10.12
Snack Bar II	8.32	8.57	8.83	9.09

	0-360 Hrs	361-721 Hrs	721-1080 Hrs	1081+ Hrs
Beach Head Lifeguard	10.88	11.21	11.54	11.89
Beach Supervisor	12.50	12.88	13.34	13.74
Sr Lifeguard	10.42	10.76	11.11	11.46
Jr Lifeguard/Swim Aide I/Gateguard	9.26	9.55	--	--
Swim Aide II	7.87	8.10	--	--
Water Safety Instructor	10.88	11.21	11.54	11.89

GROUP: LIBRARY

Effective: July 1, 2003 (Currently in contract negotiations)

Step	1	2	3	4	5	6	7	8	9	10
L-1	29,224	30,100	31,003	31,933	32,891	33,878	34,894	35,941	37,020	38,13
L-2	31,560	32,507	33,482	34,486	35,521	36,587	37,684	38,815	39,979	41,17
L-3	34,087	35,109	36,163	37,248	38,365	39,516	40,701	41,922	43,180	44,47
L-4	36,813	37,917	39,055	40,226	41,433	42,676	43,956	45,275	46,633	48,03
L-5	39,757	40,950	42,179	43,444	44,747	46,090	47,472	48,896	50,363	51,87
L-6	42,938	44,226	45,553	46,919	48,327	49,777	51,270	52,808	54,392	56,02
L-7	46,374	47,765	49,198	50,674	52,194	53,760	55,373	57,034	58,745	60,50

L-1 - Circulation Assistant
L-1 - Children's Library Assistant
L-2 - Library Associate, Periodicals
L-3 - Assistant Children's Librarian
L-3 - Bibliographic Services Librarian
L-4 - Library Administrative Assistant
L-4 - Computer Specialist
L-4 - Head of Circulation
L-4 - Reference Librarian
L-5 - Children's Librarian
L-7 - Assistant Director

GROUP: FIRE

Effective: July 1, 2003 (Currently in Contract Negotiations)

Step	Start	After 1 Yr	After 2 Yrs	After 3 Yrs
F-1E	42,054	43,448	44,891	46,385
F-2E	44,892	46,350	48,711	49,434
F-3E	46,286	47,690	49,424	51,087
F-4E	48,788	50,321	51,991	53,726
F-5	48,724	50,409	52,169	53,996
F-5E	50,514	52,199	53,959	55,785
F-6E	--	--	--	61,726

F-1E - Firefighter/EMT
F-2E - Prevention Inspector/EMT
F-3E - Lieutenant/EMT
F-4E - Elec/Mech/EMT
F-5 - Captain/Non-EMT
F-5E - Captain/EMT
F-6E - Deputy/EMT

GROUP: AFSCME

Effective: July 1, 2003 (Currently in Contract Negotiations)

tep	1	2	3	4	5	6	7	8	9	10
-1	29,224	30,101	31,004	31,934	32,892	33,879	34,895	35,942	37,020	38,139
-2	31,560	32,507	33,483	34,487	35,522	36,587	37,685	38,815	39,980	41,189
-3	34,087	35,109	36,162	37,247	38,365	39,516	40,701	41,922	43,180	44,485
-4	36,813	37,918	39,055	40,227	41,434	42,677	43,957	45,276	46,634	48,044
-5	39,757	40,950	42,178	43,444	44,747	46,089	47,472	48,896	50,363	51,885
-6	42,939	44,228	45,554	46,921	48,329	49,779	51,272	52,810	54,394	56,038
-7	46,939	48,347	49,798	51,292	52,830	54,415	56,048	57,729	59,461	61,258
-8	51,166	52,701	54,282	55,910	57,587	59,315	61,095	62,927	64,815	66,775
-9	55,770	57,444	59,167	60,942	62,770	64,653	66,593	68,591	70,648	72,784
-10	60,791	62,614	64,493	66,427	68,420	70,473	72,587	74,765	77,008	79,335

G-2 - Animal Control Officer
G-3 - Administrative Assessor
G-4 - Local Building Inspector
G-5 - Assistant Youth Director
G-5 - Sanitarian/Health Agent
G-6 - Pool Director
G-6 - Recreation Program Admin
G-6 - Solid Waste Facility Supt
G-6 - Wastewater Facility Supt
G-7 - Assistant Assessor
G-7 - Conservation Administrator
G-7 - Council on Aging Director
G-7 - GIS Analyst
G-8 - Building Commissioner
G-8 - Data Processing Manager
G-8 - Director of Youth and Family Services
G-8 - Town Planner
G-8 - Town Surveyor
G-9 - Director of Health
G-9 - Treasurer/Collector

GROUP: LIBRARY

Effective: July 1, 2003 (Currently in Contract Negotiations)

Step	Minimum	After 1 Yr	After 2 Yrs	After 3 Yrs	After 4 Yrs	After 5 Yrs
Custodian	27,998	29,040	30,077	31,176	32,324	33,826

GROUP: POLICE

Effective: July 1, 2003 (Currently in Contract Negotiations)

Step	Minimum	After 1 Yr	After 2 Yrs	After 3 Yrs
P-1	40,181	42,190	44,299	46,514
P-2	48,840	51,282	53,846	56,538

P-1 - Patrolman P-2 - Sergeant

GROUP: SEIU

Effective: July 1, 2003 (Currently in Contract Negotiations)

Step	1	2	3	4	5	6	7	8	9	10
C-10	25,286	26,044	26,826	27,630	28,459	29,313	30,192	31,098	32,031	32,992
C-12	27,309	28,128	28,972	29,841	30,736	31,658	32,608	33,586	34,594	35,632
C-13	28,410	29,262	30,140	31,044	31,976	32,935	33,923	34,941	35,989	37,069
C-14	29,554	30,441	31,354	32,295	33,263	34,261	35,289	36,348	37,438	38,562
C-15	30,695	31,615	32,564	33,541	34,547	35,583	36,651	37,751	38,883	40,050
CD	30,434	31,840	33,246	34,651	36,057	37,463	38,869	--	--	--

C-12 - Sr Clerk
C-13 - Principal Clerk
C-14 - Administrative Assistant
C-14 - Town Clerk, Assistant
C-14 - Treasurer/Collector, Assistant
C-15 - Accounting Supervisor
C-15 - Finance Asst/Benefits Coordinator
C-15 - Payroll Supervisor
CD - JCC Dispatcher

GROUP: TEAMSTERS - WATER

Effective: July 1, 2003 (Currently in Contract Negotiations)

Step	Minimum	1	2	3
Watercraftsman I	34,563	36,031	37,284	38,675
Watercraftsman II	40,051	41,366	43,083	44,673
Working Foreman	44,019	46,114	48,072	50,029
Water Foreman	46,127	48,333	50,539	52,749

GROUP: TEAMSTERS - HIGHWAY

Effective: July 1, 2003 (Currently in Contract Negotiations)

Step	Minimum	1	2	3
H-5	16.34	16.82	17.39	17.90
H-6	16.82	17.39	17.90	18.57
H-7	17.39	17.90	18.57	19.11
H-8	17.90	18.57	19.11	19.79
H-9	18.57	19.11	19.79	20.45
H-10	19.11	19.79	20.45	21.12
H-11	19.79	20.45	21.12	21.85

H-6 - Medium Equipment Operator
H-7 - Heavy Equipment Operator
H-8 - Grader Operator
H-8 - Special Equipment Operator
H-10 - Working Foreman
H-10 - Mechanic/Welder
H-11 - Assistant Chief Operator
H-11 - Master Mechanic/Fleet Maintenance
H-11 - Mechanic/Operator
H-11 – General Foreman

GROUP: TEAMSTERS - PARK & RECREATION

Effective: July 1, 2003 (Currently in Contract Negotiations)

Step	Minimum	1	2	3
P&R-1	15.24	15.71	16.20	16.78
P&R-2	15.71	16.20	16.78	17.33
P&R-3	17.33	17.83	18.49	19.08
P&R-4	18.49	19.08	19.85	20.38
P&R-6	19.85	20.38	21.08	21.79
P&R-7	21.21	21.91	22.60	23.30

P&R-1 - Groundskeeper I
P&R-2 - Groundskeeper II
P&R-3 - Groundskeeper III
P&R-4 - Working Foreman
P&R-6 - Master Mechanic
P&R-7 - General Foreman

APPENDIX D

PLANNING BOARD REPORTS FOR 2004 ANNUAL TOWN MEETING

WARRANT ARTICLES

The Planning Board, according to Massachusetts General Laws Chapter 40A Section 5, is required to submit to Town Meeting a report on all proposed Zoning Amendments. The following information pertains to the Board's report on ATM Articles 15, 16, 17, 18, 19, 20, 21, 22, 23, and 26. This report also contains copies of the existing Zoning Bylaw Articles, which are included as attachments to this document.

For any questions or information, contact the Planning Department at 508-358-3615.

Planning Board Report on Annual Town Meeting Warrant Article 15

An article to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws, by thereof moving the off-street parking and loading requirements from §198-1105 therof to Article 5 of the Zoning By-law.

The Planning Board held its public hearing as required by law on February 2, 2004.

The purpose of this article is to move parking and loading requirements from Article 11 Business Districts to Article 5 General Regulations.

The reason to change the section in which the standards appear is to provide parking and loading standards for all uses within the Town rather than specifically Business Districts A and B. The Planning Board has been unable to apply or enforce the parking provisions contained in §198-1105 for developments outside of Business A and B Zoning Districts resulting in inconsistent parking standards, negotiation during development review and possible insufficient parking at these developments. The article also proposes the establishment of dimensions for parking spaces and isles, landscaping requirements within parking areas and a special permit process for the land banking of parking spaces. The current Bylaw does not provide parking standards for exempt uses such as religious institutions, schools and day cares.

The proposed amendments will reduce the impact of development on the surrounding neighborhood (e.g., 506.8.1 screening requirement) while providing guidance for the design of parking areas for all uses including exempt uses, which the current bylaw lacks. Further, the amendments will provide more attractive parking areas via the landscaping requirements while not forsaking the possible need for future additional parking for a site (e.g. the Special Permit 506.4 amendment).

The Planning Board unanimously recommends passage of the article.

See Attachment #1 for existing bylaw language.

Planning Board Report on Annual Town Meeting Warrant Article 16

An article to amend Chapter 198 of the Town of Wayland, the Zoning By-Laws, by amending §198-506 pertaining to parking requirements for general retail businesses, commercial and personal service establishments.

The Planning Board held its public hearing as required by law on February 2, 2004.

To determine whether the Town will vote to amend Chapter 198, Section 506.11 of the Zoning Code of the Town of Wayland by changing the parking requirements for general retail businesses, commercial and personal service establishments to be based on the gross floor area of the facility, including all space in the facility except basement space. Additionally, this amendment will provide an additional requirement for landscaping a portion of a parking lot.

The current bylaw is open for interpretation as to what is and what is not retail space and excludes storage space in the calculation of the required parking spaces. This presents a problem in the event that interior renovations are completed after the initial plan approval, thus increasing the "retail space" and resulting in inadequate parking for the facility.

This amendment will stipulate the parking requirements to be based on gross square feet of the facility and will continue to exclude unfinished basement space (as the current bylaw does). This will likely result in an appropriate increase in parking spaces for some plans. This amendment will likely concurrently decrease the parking requirements for commercial establishments by changing the ratio to one parking space per 140 square feet of gross floor area versus the current ratio of one space per 70 square feet. This new ratio is still conservative compared to neighboring towns. However, it better balances an appropriate level of parking for retail developments than the Town's current bylaw. In order to further encourage appropriate parking areas, this amendment also requires that an area equivalent to 10% of the total parking area be used for landscaping within the parking area which will break up large areas of pavement and improve the aesthetics of the parking areas.

The Planning Board unanimously recommends passage of the article.

See Attachment #1 for existing bylaw language.

Planning Board Report on Annual Town Meeting Warrant Article 17

An article to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws, by deleting therefrom §198-302.1.2. and §198- 1703 relative to the Watershed Protection District in their entirety.

The Planning Board held its public hearing as required by law on February 2, 2004.

The article proposes to delete a Watershed Protection District established in 1962 that is now obsolete and often in conflict with more current, comprehensive and effective environmental laws and regulations.

The Planning Board unanimously recommends passage of the article.

See Attachment #2 for existing bylaw language.

Planning Board Report on Annual Town Meeting Warrant Article 18

An article to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws by deleting therefrom §198-302.1.7. and Article 22 relative to the Cochituate Interim Planning Overlay District in their entirety.

The Planning Board held its public hearing as required by law on February 2, 2004.

The article proposes to delete the Cochituate Interim Planning Overlay District (CIPOD) from the Zoning By-Law, which is delineated in Section 302.1.7 and found within Article 22.

The CIPOD was a temporary zoning and regulatory system for Cochituate Village. Created in 1997, the CIPOD was written with a time limitation. The district expired on January 1, 2002, and is no longer a valid zoning district. Therefore, this is a housekeeping measure to delete the language in the bylaw.

The Planning Board unanimously recommends passage of the article.

See Attachment #3 for existing bylaw language.

Planning Board Report on Annual Town Meeting Warrant Article 19

An article to adopt (1) the revised Town of Wayland Zoning Map dated December 5, 2003, and (2) the revised Town of Wayland Zoning Overlay District Map dated December 5, 2003, and make the corresponding amendments to Article 3 of Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws

The Planning Board held its public hearing as required by law on February 2, 2004.

The article proposes to amend the official zoning maps for the Town of Wayland. The maps entitled "Town of Wayland Zoning Map" and "Town of Wayland Overlay Zoning Map" are proposed to be changed from color-coded maps to black-and-white maps. The purpose of this change is to allow the maps to be reproduced by photocopy rather than color printed. This change will reduce the cost of producing these maps and will result in cost savings to the Town as well as customers of the Town.

The Article also proposes renumbering sections of the Zoning Code to reflect the deletion of Section 302.1.1 Watershed Protection District and Section 302.1.7 Cochituate Interim Planning Overlay District, which are the subjects of two other 2004 Annual Town Meeting Warrant Articles.

The Planning Board unanimously recommends passage of the article.

See Attachment #4 for existing bylaw language.

Planning Board Report on Annual Town Meeting Warrant Article 20

An article to amend Chapter 198 Code of the Town of Wayland, the Zoning By-Laws, Article 4. Nonconforming Structures and Uses.

The Planning Board held its public hearing as required by law on February 2, 2004.

This article proposes to amend Chapter 198, Section 401.1.6, regarding the issuance of special permits for alterations to pre-existing, nonconforming structures. The section currently states that special permits for alterations may be issued when such structures are "destroyed by natural causes or otherwise." The phrase "or otherwise" has been the source of considerable ambiguity and is open to wide interpretation.

One argument is that the phrase implies permission to tear down a nonconforming structure, in whole or in part, then seek relief from zoning via the special permit process under this section. Another argument is that the phrase was meant to cover forms of disaster which are not natural such as arson.

After research on the history of this section and considerable discussion, the Planning Board determined that the original intent of the phrase was to permit relief for non-natural disasters, and that specifically this section of the bylaw was not intended to enable arbitrary demolition. Thus, it is proposed to change "destroyed by natural causes or otherwise" to "destroyed by natural or other involuntary causes."

The Planning Board further reaffirms the original intent as a desirable attribute to our zoning bylaw. This clarification will better protect neighborhoods that may already be densely developed or are of historical significance and have non-conforming lots. This philosophy is also consistent with the draft Master Plan of the Town.

An additional need is met by this article in clarifying the language of the section to provide better guidance to the Zoning Board of Appeals. The current phrase is open to interpretation and so can be the source of considerable confusion and delay in the entire permit process. The proposed language clearly states the conditions under which a special permit may be considered.

The Planning Board recommends passage of the article.

See Attachment #5 for existing bylaw language.

Planning Board Report on Annual Town Meeting Warrant Article 21

An article to amend Chapter 198, Sections 505, 702.1, and 901.1.2.1 of the Zoning Code of the Town of Wayland.

The Planning Board held its public hearing as required by law on February 2, 2004.

The purpose of the article is to determine whether the Town will vote to amend Chapter 198, Sections 505, 702.1, and 901.1.2.1 of the Zoning Code of the Town of Wayland by making the following deletions and inserts indicated:

The purpose of the article is to provide clarification within three sections of the Zoning Bylaw. It is meant to address areas that have been confusing in past interpretations. It is not meant to redefine or modify the intent of the original section.

The Planning Board recommends passage of the article.

See Attachment #6 for existing bylaw language.

Planning Board Report on Annual Town Meeting Warrant Article 22

An article to amend Chapter 198 of the Code of the Town of Wayland,
the Zoning By-Laws, Article 16, Aquifer Protection District.

The Planning Board held its public hearing as required by law on February 2, 2004.

The purpose of this article is to address inconsistencies between the current bylaw and State Drinking Water Regulations set forth in 310 CMR 22.21 (2) as required by the Department of Environmental Protection.

The Town of Wayland is under an order from DEP to reduce the rate of withdrawals from the Town wells. As part of an agreement to address this issue, numerous initiatives have been taken to reduce Wayland's use of water such as education, enforcement, and regulatory changes. The amendments in this article are one part of the Town's plan to address the DEP order and to protect the public drinking water supply.

The Aquifer Protection Bylaw is a regulation for use of land in Zone II areas so that those uses are compatible with the protection of drinking water. The Commonwealth's Drinking Water Regulations specify that threatening land uses must either be prohibited or regulated within Zone II. Wayland's Aquifer Protection Bylaw was drafted and adopted to comply with these state regulations. The proposed amendments bring the law into compliance with the state regulations.

The Planning Board believes the proposed changes proposed in Annual Town Meeting Warrant Article 23, as indicated above, will address the concerns raised by DEP and will help to minimize conflicts between local and state regulations.

The Planning Board recommends passage of the article.

See Attachment #7 for existing bylaw language.

Planning Board Report on Annual Town Meeting Warrant Article 23

An Article to amend Chapter 198 of the Code of the Town of Wayland, the Zoning By-Laws,
by amending (1) Article 1, §198-104.2 therof by adding the following definitions;
and (2) Article 5, §198-504, Earth Removal.

The Planning Board held its public hearing as required by law on February 2, 2004.

The article intends to clarify and define the maximum amount of earth removal or movement on a parcel of land before necessitating a special permit from the ZBA.

The article will control and monitor massive topographical change which ultimately could impact the character, desirability, and usability of the particular area in a negative way.

The article does not attempt to control or limit normal earth removal or movement for traditional foundation or septic excavation, garden or nursery development or maintenance, and any other activity within the stated threshold.

The Planning Board recommends passage of the article.

See Attachment #8 for existing bylaw language.

Planning Board Report on Annual Town Meeting Warrant Article 26

An Article to amend the Code of the Town of Wayland by adding the following provisions to Chapter 177, Utilities, Underground regarding the burial of overhead wires for Cochituate Village.

The Planning Board held its public hearing as required by law on February 2, 2004.

The article intends to clarify and define the maximum amount of earth removal or movement on a parcel of land before necessitating a special permit from the ZBA.

The article proposes the adoption of a bylaw requiring removal of overhead utility wires and their re-location underground is to enhance the public safety, convenience, aesthetics and welfare of Wayland.

Approval of this Article will permit the Town to (a) prohibit new installation or construction of overhead wires, or (b) require progressive removal of poles and overhead wires and associated overhead structures within the area of Cochituate Village described in the article. A bylaw adopted at ATM 2004 would not take effect until January 1, 2006.

Removal of utility poles and overhead wires including relocation underground has been discussed in Wayland for many years. It was a recommendation of the Growth Policy Committee in 1998 as part of its Economic Development package that recommended aesthetic improvements for the town centers as a means of contributing to the economic development of the town centers. It now is a recommendation included in the draft Master Plan.

The Planning Board recommends passage of the article.

See Attachment #9, entitled Article 26: Burial of Overhead Wires – Cochituate Village for a map of the overhead wire removal area.

ATTACHMENT #1
EXCERPTS FROM THE ZONING BYLAW
FOR ARTICLES 15 AND 16

§ 198-1105. Off-street parking and loading requirements.

1105.1. In both Business Districts A and B, off-street parking space shall be provided in connection with the original erection, or increase by units or dimensions, of any building or structure in the following amounts:

> 1105.1.1. For general retail business, commercial and personal service establishments, parking facilities on the basis of one parking space per 70 square feet of floor area, exclusive of basement storage space or other space not used for business purposes. In addition to this amount, one parking space for every two employees shall be provided. [Amended 5-5-1999 STM by Art. 11]

1105.1.2. For office, professional or public buildings, one off-street parking space for each 200 square feet of ground floor area not used for bulk storage and one parking space for each 400 square feet of floor area other than the ground floor. [Amended 5-5-1999 STM by Art. 11]

1105.1.3. For restaurants, tearooms, lunch counters or other facilities for eating or drinking, one parking space for each three employees, plus one additional space for each four seats. [Amended 5-5-1999 STM by Art. 11]

1105.1.4. For roadside stands, filling stations, automobile repair shops or other roadside service establishments, one parking space for each two employees, plus such additional spaces for customer-motorists as the ZBA shall deem necessary to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

1105.1.5. For any and all uses or structures not specifically provided for in the foregoing enumeration, such parking space as the ZBA shall determine to be necessary, considering the activities involved, to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

1105.2. Whenever, after the date of this Zoning Bylaw, there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this article, and whenever such change creates a need for an increase of more than 20% of the number of off-street automobile parking spaces, as determined by the requirements of this article, more off-street parking facilities shall have been provided on the basis of the adjusted needs, as determined by this article.

1105.3. Mixed uses.

1105.3.1. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses, computed separately in accordance with § 198-1105. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

1105.4. Location of facilities.

1105.4.1. Off-street automobile parking facilities, to the extent required in this article, may be provided either on the same lot or premises with the parking-generating activity or on any lot or premises a substantial portion of which, at least, is within 300 feet of such activity.

1105.5. Parking areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind. The required parking areas shall be permanently available for use by patrons and employees of establishments providing such space.

1105.6. The following design standards apply to off-street parking facilities:

1105.6.1. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley, as well as maneuvering areas. Access to and from lots shall be through designated driveways, with openings or curb cuts not in excess of 40 feet in width at the exterior line of a public or private way.

1105.6.2. Said parking areas shall be provided and maintained with a permanent, dust-free surface, shall be provided with adequate drainage and shall have bumper guards where needed for safety.

1105.6.3. If lighting is provided, the source of light shall be so arranged and shielded as to prevent direct glare from the light source into any public street or onto adjacent property.

1105.6.4. Parking lots immediately adjacent to a residence district shall be adequately screened year-round from view from said residence district by trees, hedges or a tight fence. [Amended 5-5-1999 STM by Art. 11]

1105.7. Off-street loading.

1105.7.1. On the same premises with every building where goods are received or shipped, newly erected or increased by units or dimensions after the date of adoption of this Zoning Bylaw, adequate loading areas shall be provided. Every part of such loading area shall be located completely off the street.

ATTACHMENT #2
EXCERPTS FROM THE ZONING BYLAW
FOR ARTICLE 17

302.1.2. A Watershed Protection District that is shown, defined and bounded on a map on file with the Town Clerk entitled "Wayland Watershed Protection District," December 15, 1966, MacCarthy Engineering Service, Inc., Natick, Massachusetts, Westborough, Massachusetts.

§ 198-1703. Watershed Protection District. [Amended 3-15-1967 ATM by Art. 16; 4-30-1975 ATM by Art. 28]

1703.1. The purpose of this § 198-1703 is to preserve and protect the streams and other watercourses in the Town and their adjoining lands; to protect the health and safety of persons and property against the hazards of flooding; to preserve and maintain the groundwater table for water supply purposes; to protect the community against the detrimental use and development of lands adjoining such watercourses; and to conserve the watershed areas of the Town for the health, safety and welfare of the public. All areas in said Watershed Protection District are, therefore, subject to the regulations in this § 198-1703.

1703.2. Except as provided in this § 198-1703.2 and in § 198-1703.4:

1703.2.1. No building, wall, dam or other structure shall be erected, constructed, altered, enlarged or otherwise created or moved, for any living or other purpose, provided that noncommercial signs not exceeding four square feet in size, tents, fences, wildlife management shelters, footpaths, bicycle paths, horse paths and footbridges are permitted if:

1703.2.1.1. They are accessory to lawful primary uses in a Single Residence District; and

1703.2.1.2. They do not affect the natural flow pattern of any watercourse.

1703.2.2. Dumping, filling, excavating or transferring of any material that will reduce the natural floodwater storage capacity or interfere with the natural flow patterns of any watercourse within this district is prohibited.

1703.3. The following uses, insofar as permitted in Single Residence Districts, are permitted as a matter of right, subject to the provisions of § 198-1703.2:

1703.3.1. Conservation of soil, water, plants and wildlife.

1703.3.2. Outdoor recreation, including play and sporting areas, nature study, boating, fishing and hunting where otherwise legally permitted.

1703.3.3. Proper operation and maintenance of dams and other water-control devices, including temporary alterations of the water level for emergency or maintenance purposes, and including removal of any and all flashboards of a privately owned dam to lower the water level so as to exclude from being covered by water any land that was not flowed or saturated prior to the erection of the dam.

1703.3.4. Grazing, farming, nurseries, truck gardening and harvesting of crops.

1703.3.5. Forestry.
[Amended 4-28-1986 ATM by Art. 25: paragraph deleted]

1703.3.6. Uses accessory to residential or other primary uses, such as flower or vegetable gardens, lawns, pasture or forestry areas.

1703.4. Any person desiring a permit to fill, excavate or transfer material or to erect or place a structure within the Watershed Protection District shall submit a written application to the Building Commissioner for a special permit for an exception, together with four copies of plans and specifications of the proposed work and plans of the premises on which the work is proposed. The Building Commissioner shall forthwith transmit the application, plans and specifications to the ZBA, the Board of Health and the Conservation Commission. No building permit shall be issued by the Building Commissioner, nor shall any of the work proposed be commenced, until the ZBA shall have issued a special permit under Article 6. [Amended 4-30-1975 ATM by Art. 28]

1703.5. Upon the issuance of a special permit by the ZBA for an exception, and subject to the conditions hereinafter specified and such other special conditions and safeguards as the ZBA deems necessary to fulfill the purposes set forth in § 198-1703.1, the following uses, structures and actions, as permitted in Single Residence Districts, are permitted:

1703.5.1. Duck walks and boat landings.

1703.5.2. Appropriate municipal use, such as waterworks pumping stations and parks.

1703.5.3. Temporary storage of materials or equipment.

1703.5.4. Dams, excavations or grading, consistent with the purposes of this § 198-1703, to create ponds, pools or other changes in watercourses for swimming, fishing or other recreational uses, agricultural uses, scenic features or drainage improvements.

1703.5.5. Driveways and roads.

1703.5.6. Any other filling, excavating or transferring of any material or erection, construction, alteration, enlargement, removal or demolition of any structure, upon the condition that, with respect to each such action and structure, the ZBA determines that granting a special permit therefor would not result in any substantial risk of pollution or contamination of any waterway or pond, substantial reduction of seasonal high-water storage areas, substantial reduction of groundwater absorption areas that serve the public water supply or other derogation from the intent and purpose of this § 198-1703.

1703.6. The portion of any lot in a Watershed Protection District may be used to meet the area and yard regulations for the district in which the remainder of the lot is situated.

1703.7. All water bodies encircled by the Watershed Protection District are hereby included within said district.

1703.8. Nothing contained in this § 198-1703 shall limit the authority of the Board of Health with respect to premises in the Watershed Protection District or limit the authority relative thereto of the Conservation Commission pursuant to MGL c. 131, § 40. [Added 4-30-1975 ATM by Art. 28]

ATTACHMENT #3
EXCERPTS FROM THE ZONING BYLAW
FOR ARTICLE 18

302.1.7. A Cochituate Interim Planning Overlay District which includes all of the land located to the south of a line defined as follows: the southerly boundary of the Commonwealth of Massachusetts Pressure Aqueduct, as shown in the Atlas of the Town of Wayland, Massachusetts, 1999, on Plates 48 and 49, from its easternmost end traversing said boundary westerly to its intersection with the Aquifer Protection District boundary, as shown on the map referenced in §198-302.1.5 herein, southerly and westerly to where it intersects with the center line of the right-of-way of Old Connecticut Path, thence southeasterly along said line to the Wayland town line. Said Plates 48 and 49 of the Atlas of the Town of Wayland, Massachusetts, 1999, are hereby made part of the map entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, Massachusetts, 01778, dated December 11, 2000, and is available at the office of the Town Clerk for public inspection. [Added 4-30-1997 STM by Art. 7; amended 5-8-2000 ATM by Art. 47; 4-30-2001 ATM by Art. 23]

ARTICLE 22, Cochituate Interim Planning Overlay District [Added 4-30-1997 STM by Art. 7; amended 5-8-2000 ATM, Art. 47]

§ 198-2201. Purpose.

2201.1. The purpose of the Cochituate Interim Planning Overlay District (CIPOD) is to provide a temporary zoning and regulatory system for the development of land within the district while the town engages in comprehensive planning studies. Cochituate has been the subject of significant commercial and residential growth. Such growth may have an adverse impact on the natural environment, the town's infrastructure and service capacity, traffic, the local economy, neighborhood character and open space. The CIPOD provides a mechanism to allow for growth that promotes sound land use planning goals and objectives during the course of the town's comprehensive planning studies.

§ 198-2202. Applicability.

2202.1. The CIPOD shall be construed as an overlay district. All requirements of the underlying zoning districts shall remain in full force and effect, except where the requirements of the CIPOD are more restrictive; in such cases, the requirements of the CIPOD shall supersede the underlying zoning regulations.

§ 198-2203. Use restrictions.

2203.1. The following uses shall require a special permit from the Planning Board pursuant to § 198-203 herein and shall require site plan approval as set forth in Article 6 herein:

2203.1.1. The development of five or more dwelling units, whether attached or detached, in a single calendar year on a property, or set of contiguous properties, in common ownership or control on the effective date of this Article 22.

2203.1.2. The development of more than 2,000 gross square feet of nonresidential space, regardless of the use.

2203.1.3. Alteration, expansion or change to any existing nonresidential building, structure or use that will result in the development of more than 2,000 gross square feet of new space, regardless of the use.

2203.1.4. Any nonresidential development requiring the provision of five or more new parking spaces.

§ 198-2204. Exemptions.

2204.1. The following uses are specifically exempt from this Article 22:

2204.1.1. Uses exempted by MGL c. 40A, § 3.

2204.1.2. The construction of a single-family dwelling, or the enlargement, restoration or reconstruction of a single-family dwelling, in existence as of the effective date of this Article 22.

2204.1.3. Dwelling units for low- and/or moderate-income families or individuals as set forth in MGL c. 40B.

2204.1.4. Development projects that voluntarily agree to a minimum fifty-percent permanent reduction in density below the density permitted under zoning and feasible given the environmental conditions of the tract.

§ 198-2205. Special permit criteria.

2205.1. In addition to the standards and criteria set forth in § 198-203 herein, the Planning Board shall consider, in assessing an application for a special permit in the CIPOD, the impact of the proposed development upon the following:

2205.1.1. Pedestrian and vehicular traffic.

2205.1.2. The natural environment, including noise, smoke, glare, vibration, water or air pollution, sedimentation and any other noxious or objectionable effects.

2205.1.3. Economic impact within and outside the CIPOD.

2205.1.4. Municipal services, including water, sewer, drainage, schools, parks and transportation.

2205.1.5. Neighborhood character, including building design, architecture and visual aesthetics.

§ 198-2206. Decisions.

2206.1. The Planning Board may grant a special permit upon a determination, after consideration of all of the factors set forth in §§ 198-203 and 198-2205 herein, that the proposed development will not adversely impact the CIPOD during the term of this Article 22, as set forth below.

§ 198-2207. Time limitation.

2207.1. The provisions of this Article 22 shall expire on January 1, 2002.

§ 198-2208. Separability.

The provisions of this Article 22 are hereby declared separable, and if any provision shall be held invalid or unconstitutional, it shall not be construed to affect the validity or constitutionality of any of the remaining provisions of this Article 22.

ATTACHMENT #4
EXCERPTS FROM THE ZONING BYLAW
FOR ARTICLE 19

301.2. Said districts are defined and described in numerous votes of the Town, beginning with the adoption of this Zoning Bylaw under Article 5 of the September 5, 1934, Special Town Meeting, and subsequent Town Meetings, and are shown on a plan accompanying this Zoning Bylaw that has been filed with the Town Clerk entitled "Town of Wayland Zoning Map," Survey Department, 41 Cochituate Road, Wayland, Massachusetts, 01778, December 11, 2000, as the same may be amended from time to time hereafter. [Amended 5-7-1997 ATM by Art. 39; 4-30-2001 ATM by Art. 23]
§ 198-302. Overlay districts. [Amended 3-20-1974 ATM by Art. 44; 4-30-1975 ATM by Art. 28]

302.1. To carry out the purposes of this Zoning Bylaw, the Town of Wayland is also divided into the following districts that overlay the districts established by § 198-301 above:

302.1.1. A Floodplain District that includes all land and water in the Town of Wayland subject to seasonal or periodic flooding by the Sudbury River, except for temporary excavations, whose surface lies below elevation 124 feet above mean sea level, as such elevation is shown by the notation "--124--Floodplain" in the Atlas of the Town of Wayland, Massachusetts, prepared and corrected to January 1, 1972, by Everett M. Brooks & Co., corrected to January 1, 1975, by the Wayland Engineering Department.

302.1.2. A Watershed Protection District that is shown, defined and bounded on a map on file with the Town Clerk entitled "Wayland Watershed Protection District," December 15, 1966, MacCarthy Engineering Service, Inc., Natick, Massachusetts, Westborough, Massachusetts.

302.1.3. A Federal Flood Protection District, defined as the one-hundred-year floodplain, Zones A and A1-A30, that is shown, defined and bounded on maps published by the Federal Emergency Management Agency on file with the Town Clerk and entitled "FIRM--Flood Insurance Rate Map, Town of Wayland, Massachusetts, Middlesex County," and "Floodway--Flood Boundary and Floodway Map, Town of Wayland, Massachusetts, Middlesex County," dated June 1, 1982. [Amended 5-4-1982 ATM by Art. 17]

302.1.4. A Southeast Wayland-Cochituate Planning District that includes all land to be placed in said district by a two-thirds vote of Town Meeting, but including only such land with an area not less than 25 acres, a substantial portion of which (herein defined as more than 30%) is wet areas, as defined in § 198-1402 herein, and that is located in the area shown as Residence Zone 30,000 square feet-150 feet Front bordering on the Wayland-Natick town lines on the map entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, Massachusetts, 01778, dated January 29, 2002. [Amended 6-16-1987 STM by Art. 3; 4-30-2001 ATM by Art. 23; 4-29-2002 STM by Art. 5]

302.1.5. An Aquifer Protection District that is shown on a map on file with the Town Clerk entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, Massachusetts, 01778, dated January 29, 2002. The district comprises areas in the Town of Wayland where liquids or water-soluble materials placed on or below the surface of the land will migrate to the Town's municipal wells if pumping is sufficiently heavy and prolonged. For data, standards and procedures by which the boundary of the district was established and for other details, see a report on file with the Town Clerk entitled "Aquifer Mapping Project, Town of Wayland," January 1988, by IEP, Inc., Consulting Environmental Scientists of Northborough, Massachusetts, and also a report on file with the Town Clerk entitled "Report on Conceptual Zone II Study of the Baldwin Pond Wellfield," March 1994, by Anderson-Nichols & Company, Inc., Consulting Engineers, Boston, Massachusetts. [Added 5-1-1989 STM by Art. 7; amended 4-30-2001 ATM by Art. 22; 4-30-2001 ATM by Art. 23; 4-29-2002 STM by Art. 5]

302.1.6. A Senior and Family Housing Overlay District which includes all of the following land: Parcels F and G as shown on a plan entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, Massachusetts, 01778, dated January 29, 2002, and is available at the office of the Town Clerk for public inspection. [Added 4-28-1997 STM by Art. 5; amended 4-30-2001 ATM by Art. 23; 4-29-2002 STM by Art. 5]

302.1.7. A Cochituate Interim Planning Overlay District which includes all of the land located to the south of a line defined as follows: the southerly boundary of the Commonwealth of Massachusetts Pressure Aqueduct, as shown in the Atlas of the Town of Wayland, Massachusetts, 1999, on Plates 48 and 49, from its easternmost end traversing said boundary westerly to its intersection with the Aquifer Protection District boundary, as shown on the map referenced in §198-302.1.5 herein, southerly and westerly to where it intersects with the center line of the right-of-way of Old Connecticut Path, thence southeasterly along said line to the Wayland town line. Said Plates 48 and 49 of the Atlas of the Town of Wayland, Massachusetts, 1999, are hereby made part of the map entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, Massachusetts, 01778, dated December 11, 2000, and is available at the office of the Town Clerk for public inspection. [Added 4-30-1997 STM by Art. 7; amended 5-8-2000 ATM by Art. 47; 4-30-2001 ATM by Art. 23]

302.1.8. A Wireless Communications Services District that includes the land owned by the Town of Wayland known as the "old landfill site" as shown in the Atlas of the Town of Wayland,

Massachusetts, 1999, on Plates 22 and 23, Parcels 22-001 and 22-002, and known as the "new landfill site" as shown in the Atlas of the Town of Wayland, Massachusetts, 1996, on Plates 17, 21, and 22 inclusive, that portion of parcel 17-018 that is south of the line that is the continuation of the northwestern property line of parcel 22-004, Parcels 21-010A, 22-003, 22-004, 22-006 and 22-007; and the land comprising the portion of the so-called Massachusetts Bay Transportation Authority (MBTA), "right-of-way" from its boundary with the southerly sideline of Boston Post Road (Route 20) westerly to its westernmost boundary with the Town of Sudbury as shown in the Atlas of the Town of Wayland, Massachusetts, 1999, on Plates 22, 26 and 27, inclusive, and as shown on the plan entitled "Town of Wayland Zoning Overlay Districts," Survey Department, 41 Cochituate Road, Wayland, Massachusetts, 01778, dated January 29, 2002, a copy of which plan is on file in the office of the Town Clerk. [Added 11-17-1999 STM by Art. 3; amended 4-30-2001 ATM by Art. 23; 4-29-2002 STM by Art. 5]

ATTACHMENT #5
EXCERPTS FROM THE ZONING BYLAW
FOR ARTICLE 20

ARTICLE 4, Nonconforming Structures and Uses [Amended 4-17-1980 ATM by Art. 23]

§ 198-401. Continuance; conditions.
401.1. Any structure or use lawfully in existence or lawfully begun or as to which a building or special permit has issued before the first publication of notice of public hearing on any provision of this Zoning Bylaw, or any amendment thereto, required by MGL c. 40A, § 5, may be continued or completed although such structure or use does not conform to the terms of said provision or amendment, subject, however, to the following:

401.1.1. Construction or operations under a building or special permit shall conform to any subsequent provision of this Zoning Bylaw, or any amendment thereto, unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

401.1.2. Preexisting nonconforming structures or uses may be changed, extended or altered by a special permit issued pursuant to the provisions of § 198-201 of this Zoning Bylaw, provided that no such change, extension or alteration shall be permitted unless there is also a finding by the Zoning Board of Appeals (ZBA) that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the neighborhood; provided, however, that the Planning Board shall serve as the special permit granting authority for changes, extensions and/or alterations to nonconforming structures and uses in the Senior and Family Housing Overlay District pursuant to Article 21 of this Zoning Bylaw. [Amended 4-28-1997 STM by Art. 5; 5-14-1998 ATM by Art. 45]

401.1.3. [Amended 5-4-1994 ATM by Art. 24] A structure for one or two housekeeping units may be the subject of alteration, reconstruction, extension or structural change without the necessity of a special permit, provided that the following conditions are met:

401.1.3.1. Such alteration, reconstruction, extension or structural change shall comply with this Zoning Bylaw; and

401.1.3.2. Such alteration, reconstruction, extension or structural change shall not exceed 20% of the gross floor area in existence on the date this paragraph first become effective. Open decks and accessory structures less than 175 square feet shall be permitted as a matter of right and shall not be included in any floor area calculation. [Amended 5-5-1999 STM by Art. 11; 5-3-2000 ATM Art. 30]

401.1.4. Wherever a lawful nonconforming use has been abandoned, or has not been used for 24 consecutive months or more, it shall not be resumed or reestablished, and all future uses shall conform to this Zoning Bylaw. [Amended 5-14-1998 ATM by Art. 45]

401.1.5. If a nonconforming structure is damaged or destroyed by natural causes or otherwise, then any rebuilding or restoration may take place as of right as long as the rebuilding or restoration conforms precisely in size, location, configuration and extent of use to that which existed prior to the damage or destruction. [Amended 5-14-1998 ATM by Art. 45]

401.1.6. The ZBA may, but shall not be obligated to, issue a special permit for any changes in size, location, configuration and extent of use in a nonconforming structure damaged or destroyed by natural causes or otherwise, provided that the ZBA shall find that such changes shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. [Amended 5-14-1998 ATM by Art. 45]

401.1.7. Any permitted restoration or rebuilding shall commence within six months after the issuance of the special permit therefor and shall continue through to completion as continuously and expeditiously as is reasonable or such permission shall lapse. Unless otherwise authorized by the ZBA, the new or restored structure shall have the same height and location on the lot as the replaced structure.

401.1.8. Whenever land is taken by, or conveyed to, a governmental authority having the power of eminent domain or a street is created, widened or relocated, any then existing lot shown on a plan or described in a deed recorded in the Registry of Deeds that conformed, or was considered to conform, to the area and frontage requirements before, but not thereafter, shall be considered to conform, and any existing structure that was in compliance with regulations respecting location before, but not thereafter, shall be considered to be in compliance. This paragraph shall not be applicable if the street was a private way and the land on which it was created, widened or relocated was owned by the owner of the lot or structure affected. [Amended 4-28-1986 ATM by Art. 24; 5-4-1992 STM by Art. 4]

401.1.9. A structure or use existing on January 1, 1947, shall be conclusively presumed to have been in existence before the first publication of notice of the public hearing on the original enactment of this Zoning Bylaw. [Amended 5-3-1990 ATM by Art. 22]

ATTACHMENT #6
EXCERPTS FROM THE ZONING BYLAW
FOR ARTICLE 21

§ 198-505. General. [Added 5-6-1999 STM by Art. 19]
505.1. In all zoning districts all uses shall be conducted in a manner so as not to create offensive or unreasonable noise, vibration, light, smoke, gas, fumes, odor, dust or so as to be dangerous to the public health or safety.

§ 198-702. Setbacks.
702.1. All buildings or structures in any residence district shall comply with the setbacks in § 198-801 Table of Dimensional Requirements. The setbacks shall apply to any public or private street right-of-way whether accepted or not. The setbacks shall apply to whichever distance is greater, except as provided in § 198-702.2 and 702.3 below; except that any existing lot shown on a plan or described in a deed, recorded in the Registry of Deeds, that conformed or was considered to conform to the area and frontage requirements on, but not after, January 28, 1998, shall be considered to conform to this Zoning Bylaw; and any existing structure that was in compliance with regulations respecting location on, but not after, January 28, 1998, shall be considered to be in compliance with this Zoning Bylaw. Exempt from the setback requirement of this paragraph are roof eaves, stoops, stairs, chimneys and bay windows; and fences and walls up to six feet in height from the existing natural topography. [Amended 5-14-1998 ATM by Art. 51; 5-5-1999 STM by Art. 9; 5-5-1999 STM by Art. 11]

§ 198-901. Permitted uses.

901.1. See Article 8, Dimension and Use Tables. [Amended 5-5-1999 STM by Art. 9]
[Amended 4-16-1980 ATM by Art. 20; 5-4-1994 ATM by Art. 23; 5-5-1999 STM by Art. 9: paragraphs deleted]
[Amended 5-4-1994 ATM by Art. 23; 5-5-1999 STM by Art. 9; 4-30-2001 ATM by Art. 25: paragraph deleted]

901.1.1. [Amended 5-4-1994 ATM by Art. 23; 4-30-2001 ATM by Art. 25] A home occupation of a resident owner, or a resident tenant with the owner's permission, shall be permitted as a matter of right in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met:

901.1.1.1. The home occupation occupies no more than 25% of the gross floor area or 500 square feet, whichever is less, within the dwelling unit on the premises.

901.1.1.2. There are no employees;

901.1.1.3. No business is conducted on the premises with any client or customer physically present;

901.1.1.4. There are no signs or other external evidence of the office; and

901.1.1.5. No hazard or nuisance, including offensive noise, vibrations, smoke, dust or other particulate matter, odors, heat, glare, humidity, and noxious fumes, shall be created to any greater or more frequent extent than would normally be expected in the neighborhood under normal circumstances wherein no home occupation exists.

901.1.2 [Added 4-30-2001 ATM Art. 25] A home occupation of a resident owner, or a resident tenant with the owner's permission, may be permitted by issuance of a special permit from the Zoning Board of Appeals in those zoning districts specifically referenced in the Table of Accessory Uses, § 198-804, provided that all of the following conditions are met:

901.1.2.1. The use of the dwelling unit, or where permitted, an accessory structure, by the resident for business is incidental and subordinate to its use for residential purposes and occupies no more than 25% of the gross floor area or 500 square feet, whichever is less, within the dwelling unit on the premises;

ATTACHMENT #7
EXCERPTS FROM THE ZONING BYLAW
FOR ARTICLE 22

1603.2. Prohibited uses.
The following uses are specifically prohibited within the Aquifer Protection District:

i. Sanitary landfills and open dumps as defined in 310 CMR 19. 006; disposal or stockpiling of solid wastes, other than brush and stumps; and disposal of brush or stumps by burial with less than four feet of clearance above the maximum water table, as defined by the Board of Health. Landfilling of sludge and septage as defined in 310 CMR 32.05. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.

ii. Junkyards or motor vehicle salvage operations. as defined in Massachusetts General Laws c. 140B, § 1.

iii. Storage of deicing chemicals, except calcium chloride, potassium chloride, and calcium magnesium acetate, unless such storage and required loading areas are within a weatherproof structure having an impervious floor designed to prevent the generation and escape of contaminated runoff or leachate and only if all loading and unloading will be done within that shelter, with provisions for a separate closed drain system for safe disposal.

iv. Disposal of snow transported into the district.

v. Dry-cleaning establishments where cleaning is performed on the premises in open or non-self-contained units.

vi. Commercial establishments for the plating, finishing, etching or polishing of metals or semiconductors.

vii. Painting, wood preserving, wood finishing or stripping paint on a commercial scale or on a scale more than that which is required for maintenance of existing structures and facilities.

viii. Manufacture of semiconductors or other electronic components or electronic circuit assembly on a commercial scale where hazardous materials are used.

ix. Chemical or bacteriological laboratories.

x. Commercial establishments for printing, photocopying or photographic processing where the processing is performed in open or non-self-contained units.

xi. Storage of liquid petroleum products, except the following:
   a) Normal household use, outdoor maintenance, and heating of a structure;
   b) Waste oil retention facilities required by statute, rule, or regulation;
   c) Emergency generators required by statute, rule, or regulation;
   d) Treatment works approved under 314 CMR 5.00 for treatment of ground and surface waters;

provided that such storage, listed in items a. through d. above, meets the requirements of § 198-1603.3 Subsection xi.

xii. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within four feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, drainage structures, or utility works. [Amended 4-29-2002 STM by Art. 3]

xiii. Hotels or motels.

xiv. Any other use that includes, as a principal component, the manufacture, use, transportation or disposal of toxic or hazardous materials. [Amended 4-29-2002 STM by Art. 3]

xv. Any floor drainage system in existing facilities, in industrial or commercial process areas or hazardous material and/or hazardous waste storage area, which discharge to the ground without a DEP permit or authorization. Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the State Plumbing Code, 248 CMR 2.00) or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies. [Amended 4-29-2002 STM by Art. 3]

1603.3 Special permit uses.
The following uses and activities are permitted only upon the issuance of a special permit by the special permit granting authority (SPGA) under such conditions as they may require:

i. Golf courses, whether public or private.

ii. Commercial cabinetry or furniture making. (Note that painting, wood preserving, wood finishing and stripping of paint are prohibited.)

iii. Cluster developments, planned developments and other forms of flexible development that require special permits under other articles of this Zoning Bylaw.

v. Any use with the exceptions of uses described in Subsections vi and viii below, where the design flow of sanitary waste exceeds a total of 10,000 gallons per day for the entire project.

vi. Municipal wastewater treatment facilities with on-site disposal of effluent from primary or secondary treatment. (See also § 198-1603.2, Subsection i herein.)

vii. Individual on-site sewage disposal systems (in compliance with Title V of the State Environmental Code) serving all uses in residential districts which discharge more than 550 gallons per day per 40,000 square feet of lot area; and individual on-site sewage disposal systems (in compliance with Title V of the State Environmental Code) serving business, industrial, or institutional uses in all other districts which discharge more than 1,000 gallons per day per 40,000 square feet of lot area. The replacement or repair of an existing system that will not result in an increase in design capacity above the previously approved design is not prohibited. Requests to increase the capacity of individual sewage disposal systems and those proposed for undeveloped lots above these limits may be permitted upon a written certification by the Wayland Board of Health that a valid nitrogen loading analysis approved by the DEP has been completed which demonstrates that the DEP drinking water performance goal for nitrates of five mg/l will not be exceeded in any water supply well. On residentially zoned lots legally in existence as of the effective date of this bylaw, which contains less then 40,000 square feet of area, the discharge rate of any individual sewage disposal system shall be

permitted up to a maximum of 500 gallons per day. The replacement or repair of an existing system that will not result in an increase in design capacity above the previously approved design capacity is not prohibited hereunder.

viii. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under § 198-1603.2). Such activities shall require a special permit to prevent contamination of groundwater.

ix. Any other use that involves, as an accessory activity, the storage, use, transportation or disposal of toxic or hazardous materials, not including ordinary household storage or use.

x. Nursing homes or hospitals.

xi. Storage of liquid hazardous materials as defined in MGL c, 21E and/or liquid petroleum products unless such storage is:

a. Above ground; and
b. On an impervious surface; and
c. Either.
   (i) In container(s) or above ground tank(s) within a building; or
   (ii)Outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers or 110% of the largest containers' storage capacity whichever is greater.

However these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storage of gasoline, provided that the replacement is performed in a manner consistent with state and local requirements.

xii. The application of pesticides, including herbicides, insecticides, fungicides and rodenticides for nondomestic or nonagricultural uses in accordance with state and federal standards. If applicable the applicant shall provide documentation of compliance with a yearly operating plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved pesticide management plan or integrated pest management (IPM) program under 333 CMR 12.00.

1603.4. Site plan approval uses.

The following uses and activities are permitted only upon the issuance of a site plan approval in accordance with Article 6. The Planning Board shall include the standards and criteria of this Article 16 in addition to those contained in Article 6.

i. Storage of commercial fertilizers, as defined in Massachusetts General Laws, Chapter 128, § 64, such storage shall be within a structure designated to prevent the generation and escape of contaminated runoff or leachate.

ii. Storage of animal manure covered or contained in accordance with the specifications of the United States Soil Conservation Service.

iii. Commercial or municipal facilities for the washing, servicing or repair of boats or motor vehicles.

iv. Dry-cleaning establishments wherein the dry-cleaning materials are completely self-contained and all the disposal of such materials is off-site. The operation and maintenance of this use shall require periodic inspections in accordance with § 198-1606.8.1.5

v. Commercial establishments for printing, photocopying or photographic processing; wherein the processing materials are completely self-contained and all the disposal of such materials is off site. The operation and maintenance of this use shall require periodic inspections in accordance with § 198-1606.8.1.5

vi. Commercial laundries.

ATTACHMENT #8
EXCERPTS FROM THE ZONING BYLAW
FOR ARTICLE 23

§ 198-504. Earth removal. [Amended 5-14-1998 ATM by Art. 47]

504.1. The removal of sod, loam and gravel, stone or other earth materials from any premises in any district, including such removal to effect topographical changes, shall be allowed only if a special permit from the ZBA is obtained in accordance with the procedure provided in § 198-203, and only under such conditions as the ZBA may impose, with the following exceptions:

504.1.1. Removal necessary for the construction or alteration of a building for which a permit has been issued, including the installation of walks, driveways and other appurtenances to said building, provided that the quantity of material to be removed as certified by a registered professional engineer or land surveyor, or the Town Surveyor, does not exceed that displaced by the building, walks, driveways and other appurtenances.

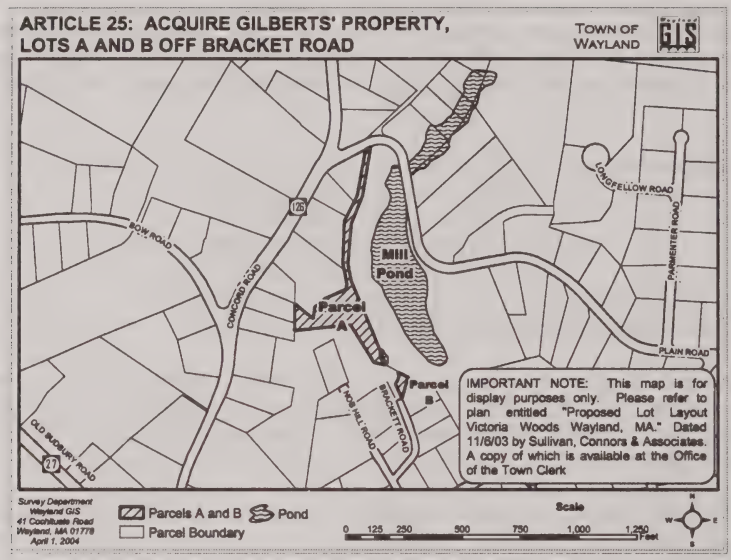
504.1.2. Removal from Town-owned land and transfer between or among such parcels.

504.2. Nothing contained in § 198-504.1. shall prevent the continued use of any land for the purpose for which it is used at the time § 198-504.1. takes effect or prevent the use of any land for farms, gardens, nurseries, cemeteries, parks, playgrounds and such purposes as are incidental to, or usual in connection with, any of said purposes.

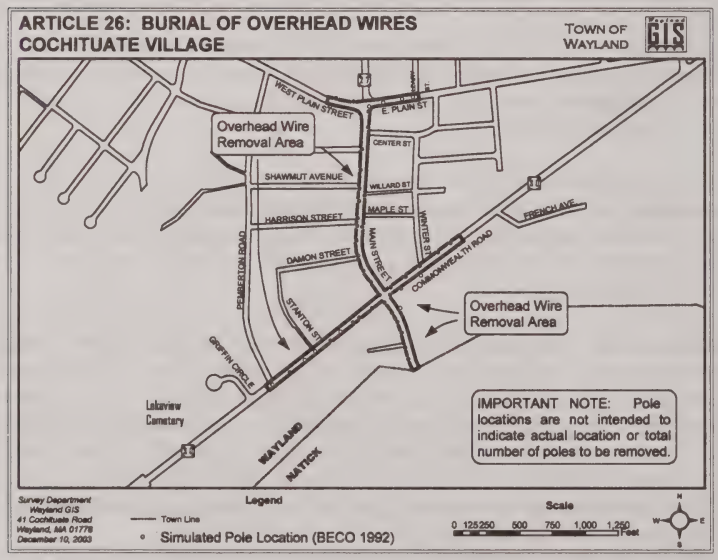
504.3.Before a special permit is issued, the applicant shall show to the satisfaction of the ZBA that the removal will not impair the usability of the area for the purposes permitted in this Zoning Bylaw, that the grades to be established within the area will permit vehicular access to the area and the continuation of streets from the abutting premises, and that the area may ultimately be developed compatibly with the neighboring land.

504.4. The removal of sod, loam, sand, gravel or quarried stone from within a subdivision, the plan of which has been approved by the Planning Board and duly recorded in the Middlesex South District Registry of Deeds, shall be permitted as of right when and to the extent that such is necessary for the lawful construction or alteration of a way shown on said plan or for the lawful installation of utilities, drainpipes or drain structures in said subdivision, provided that the quantity of sod, loam, sand, gravel or quarried stone so removed shall not exceed that in place in the particular space to be occupied by such way, utilities, drainpipes or drain structures, and subject to any requirements made by the Planning Board endorsed or referred to on the plan of such subdivision.

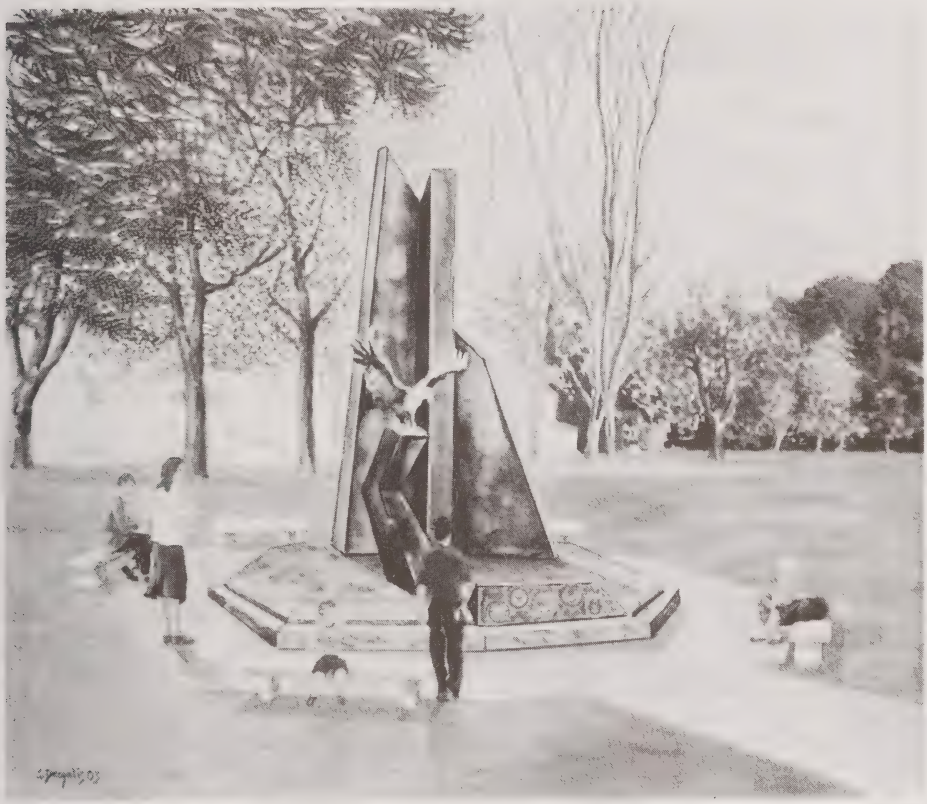
Attachment #9
Map for Article 25



Attachment #10
Map for Article 26

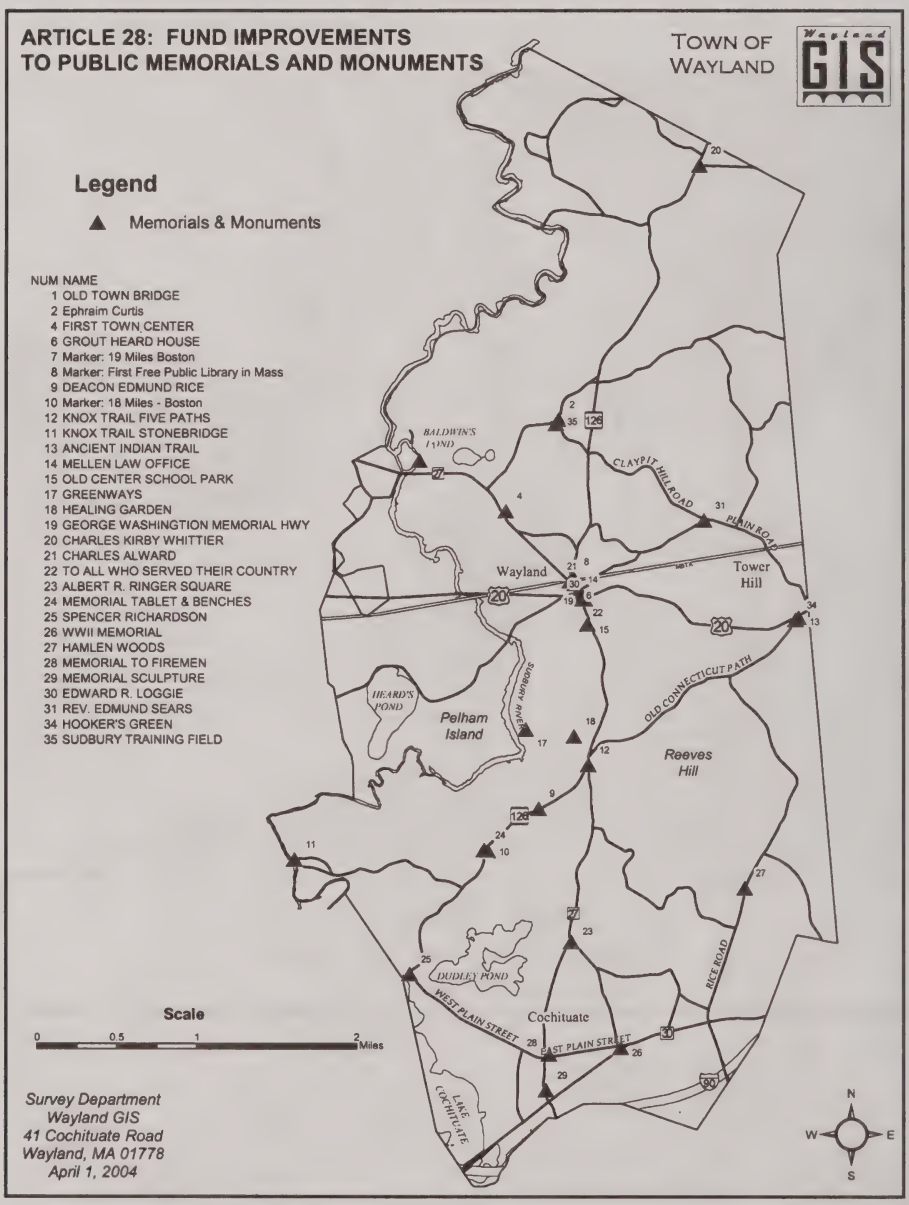


APPENDIX E



Artist's Interpretation of Proposed Wayland Veterans' Memorial ARTICLE 27

APPENDIX F


ARTICLE 28: FUND IMPROVEMENTS
TO PUBLIC MEMORIALS AND MONUMENTS
TOWN OF WAYLAND
Wayland GIS
Legend
Memorials & Monuments
NUM NAME
1 OLD TOWN BRIDGE
2 Ephraim Curtis
4 FIRST TOWN CENTER
6 GROUT HEARD HOUSE
7 Marker: 19 Miles Boston
8 Marker: First Free Public Library in Mass
9 DEACON EDMUND RICE
10 Marker: 18 Miles - Boston
12 KNOX TRAIL FIVE PATHS
11 KNOX TRAIL STONEBRIDGE
13 ANCIENT INDIAN TRAIL
14 MELLEN LAW OFFICE
15 OLD CENTER SCHOOL PARK
17 GREENWAYS
18 HEALING GARDEN
19 GEORGE WASHINGTION MEMORIAL HWY
20 CHARLES KIRBY WHITTIER
21 CHARLES ALWARD
22 TO ALL WHO SERVED THEIR COUNTRY
23 ALBERT R. RINGER SQUARE
24 MEMORIAL TABLET & BENCHES
25 SPENCER RICHARDSON
26 WWII MEMORIAL
27 HAMLEN WOODS
28 MEMORIAL TO FIREMEN
29 MEMORIAL SCULPTURE
30 EDWARD R. LOGGIE
31 REV. EDMUND SEARS
34 HOOKER'S GREEN
35 SUDBURY TRAINING FIELD
BALDWIN'S POND
CLAYPIT HILL ROAD
PLAIN ROAD
Wayland
Tower Hill
HEARD'S POND
Pelham Island
SUDBURY RIVER
OLD CONNECTICUT PATH
Reeves Hill
DUDLEY POND
WEST PLAIN STREET
Cochituate
EAST PLAIN STREET
LAKE COCHITUATE
RICE ROAD
Scale
0 0.5 1 2 Miles
Survey Department
Wayland GIS
41 Cochituate Road
Wayland, MA 01778
April 1, 2004
N
W
E
S

APPENDIX G

Code of the Town of Wayland, Massachusetts, v10 Updated through 9-15-2003
Division 1 Bylaws
Part II GENERAL LEGISLATION
Chapter 91, ANIMALS
Article 1, Regulations of Dogs [Adopted 4-30-2001 ATM by Art. 24]

§ 91-3. Dog Control Officer.

A. Appointment. The Board of Selectmen shall annually appoint a Dog Control Officer (DCO) under the provisions of Massachusetts General Laws Chapter 140, §§ 151 and 151A to carry out the provisions of this article and to perform such other duties and responsibilities as the Board may determine. The Selectmen shall determine hours and conditions of work for the DCO. Compensation for persons appointed under this article shall be consistent with other bylaws dealing with salaries for appointed officials. No DCO shall be a licensed or unlicensed animal dealer, registered or unregistered with the United States Department of Agriculture. No DCO, either privately or in the course of carrying out official assignments as an agent for the town, shall give, sell, or turn over any animal, whether alive or dead, which comes into the DCO's custody, to any business or institution operating as a research facility or animal dealer, whether it is licensed or unlicensed, registered or unregistered. Whoever violates the provision of this subsection shall be subject to prosecution as provided in Massachusetts General Laws Chapter 140, § 151.

B. Location and coverage. The DCO shall be housed within the Public Safety Building and shall wear an appropriate uniform while performing official duties. The DCO shall make suitable arrangements for adequate coverage of his or her assigned duties whenever the DCO is temporarily unavailable. This coverage may take the form of a Wayland police officer temporarily filling in; an answering machine for receiving messages; a pager or cellular telephone; an agreement for cross-coverage with dog control officers from adjoining towns, or a combination of any of the arrangements above.

C. Duties. The DCO's duties shall include the following:

(1) Bylaw enforcement. The DCO shall enforce the provisions of this article, using the following enforcement actions: issuing findings; assessing fines; making written warnings; performing inspections; confining; issuing orders of temporary restraint; restraining; muzzling; appearing before the Dog Control Appeals Board; making recommendations to the Board of Selectmen concerning vicious dogs, orders of permanent restraint, banishment, or destruction; and other powers that the Board of Selectmen may set from time to time to accomplish the article's purposes.

(2) Explanation of bylaw violations. Whenever the DCO issues a finding, assesses a fine, makes a written warning, issues an order of temporary restraint, or confines, restrains, or muzzles a dog, the DCO shall meet with the dog's keeper, provide a copy of this article (Chapter 91, Article I), explain the violation, and suggest corrective behaviors.

(3) Unlicensed dogs. The DCO shall notify all owners of dogs within the Town of Wayland that have not been licensed by the license due date and shall seek out, catch, and confine any dogs within the town that remain unlicensed after a reasonable grace period.

(4) Dogs running at large. The DCO shall seek out, catch, and confine any dog within the town found running at large on public property, or on private property where the property owner or person in control of the property wants the dog removed.

(5) Temporary restraint orders. The DCO shall issue an order of temporary restraint to the keeper of any dog that is a nuisance or that is awaiting a decision under § 91-6 as to whether it is vicious. An order of temporary restraint is an order that the dog must be confined to its keeper's property when not on a 6-foot or shorter leash; muzzling will be at the DCO's discretion. It shall be in force for no more than 30 days unless the DCO renews it in writing for subsequent thirty-day periods. The DCO shall rescind or stop renewing the order when, in the DCO's judgment, restraint is no longer required. The

rescind or stop renewing the order when, in the DCO's judgment, restraint is no longer required. The dog's keeper can petition the Dog Control Appeals Board under § 91-4B to rescind the order of temporary restraint.

(a) Nuisance dog. A dog is a nuisance if it repeatedly violates any subsection of § 91-5, particularly if it continues to chase motor vehicles, pedal vehicles, or animals carrying or drawing a person, or continues to damage property after its keeper has been fined for the dog running at large.

(b) Awaiting a decision on a vicious dog hearing. The DCO must order a dog restrained and (when off the keeper's property) muzzled pending the outcome of a vicious dog hearing under § 91-6.

(6) Confinement. The DCO shall make arrangements for the temporary housing of any dog who is to be confined under the provisions of this article. The housing may be at local veterinary clinics, or at dog kennels within the town or neighboring towns, or within dog crates located in a suitable location in the Public Safety Building.

(7) Complaint resolution. The DCO shall investigate all complaints arising within the town pertaining to violations of this article and try to mediate disputes between Town residents pertaining to the behavior of a dog maintained or located within the Town. If the mediation fails, the DCO will decide on a solution and inform the dog owner and any resident that brought a complaint or problem to the DCO's attention. Any party aggrieved by or disagreeing with the DCO's decision may appeal that decision to the Dog Control Appeals Board; the DCO must attend the meetings of that Board or of any subsequent appeals hearings held by the Board of Selectmen on the matter.

(8) Emergency licensing. In emergency situations, the DCO can issue a license when the Office of the Town Clerk is closed. Any fees and fines collected under such circumstances shall be turned over to the Town Clerk at the earliest opportunity.

(9) Recordkeeping. The DCO shall keep accurate, detailed records of the confinement and disposition of all dogs held in custody and of all bite cases reported, and the results of investigations of the same. The DCO shall maintain a telephone log of all calls regarding dogs and submit a monthly report summarizing the log to the Board of Selectmen.

APPENDIX H

GENERAL LAWS OF MASSACHUSETTS
PART I.
ADMINISTRATION OF THE GOVERNMENT

TITLE XXI.
LABOR AND INDUSTRIES

CHAPTER 149. LABOR AND INDUSTRIES

FAIR COMPETITION FOR BIDDERS ON CONSTRUCTION, ETC., OF PUBLIC WORKS

Chapter 149: Section 44F Plans and specifications; sub-bids; form; contents

Section 44F. (1)(a) Every contract subject to section forty-four A shall include specifications and, if deemed necessary or convenient by the awarding authority, plans, detailing all labor and materials to be furnished thereunder. Such specifications shall have a separate section for each of the following classes of work if in the estimate of the awarding authority such class of work will exceed ten thousand dollars: (a) roofing and flashing; (b) metal windows; (c) waterproofing, damp-proofing and caulking; (d) miscellaneous and ornamental iron; (e) lathing and plastering; (f) acoustical tile; (g) marble; (h) tile; (i) terrazzo; (j) resilient floors; (k) glass and glazing; (l) painting; (m) plumbing; (n) heating, ventilating and air-conditioning; (o) electrical work, including direct electrical radiation for heating; (p) elevators; (q) masonry work; and (r) any other class of work for which the awarding authority deems it necessary or convenient to receive sub-bids, provided that the awarding authority may, in addition, receive a combined sub-bid on the marble, tile and terrazzo work, but in that event, the marble, tile and terrazzo work shall each be a class of work for which the sub-bidder must list the information in a clearly designated place on the bid form for that purpose. Each separate section in the specifications prescribed or provided for by this paragraph shall state the time limit for filing sub-bids with the awarding authority, shall specify by number each sheet of plans showing work to be done by the subcontractor under such section, and shall require the subcontractor to install all materials to be furnished by him under such section other than materials which in the opinion of the awarding authority it is not customary under then current trade practices for such subcontractor to install and the installation of which is expressly required by another section of the specifications. Each class of work set forth in a separate section of the specifications pursuant to this section shall be a sub-trade designated in the appropriate category of the general bid form and shall be the matter of subcontract made on the basis of sub-bids in accordance with the procedure set forth in sections forty-four F(1)--(5).

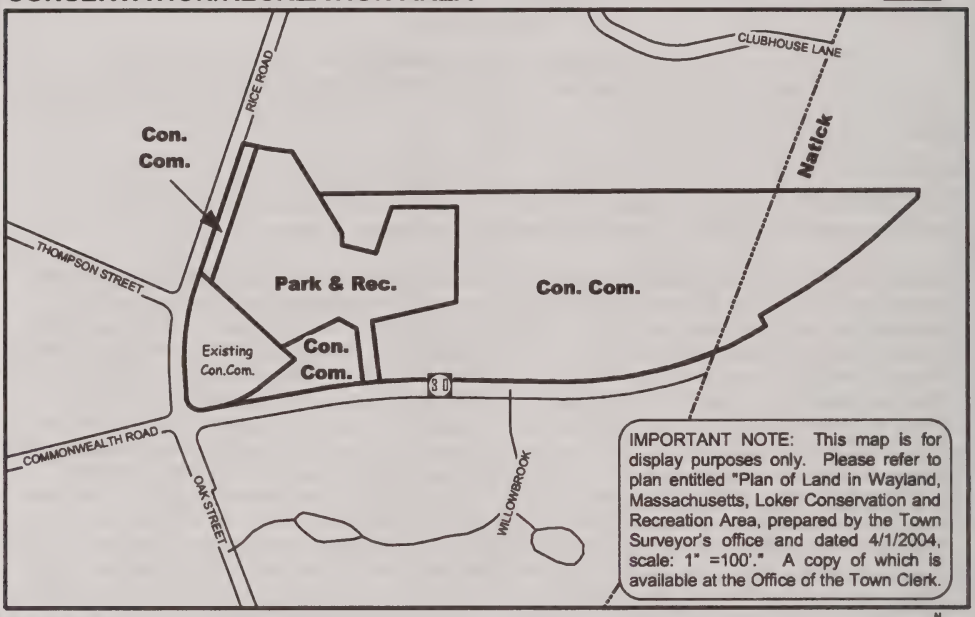
Each separate section of the specifications required by the provisions of this section shall contain a paragraph describing by class of work and by reference to paragraph numbers in that section, each class of work, if any, requiring labor and materials which, in the opinion of the awarding authority based upon an investigation of the work involved, is customarily performed in that sub-trade under subcontract with a sub-bidder for that sub-trade, and which is estimated by the awarding authority to cost in excess of ten thousand dollars, and only each class of work so described shall be a class of work for which sub-bidder for that sub-trade must list the information required in the appropriate place designated on the bid form for that purpose.

Every contract subject to section forty-four A shall include specifications for the installation of weather protection and shall require that the general contractor shall install the same and that he shall furnish adequate heat in the area so protected during the months of November through March. Standards for such specifications shall be established by the commissioner of planning and operations in the executive office for administration and finance.

APPENDIX I

ARTICLE 32: DELINEATION OF THE LOKER CONSERVATION/RECREATION AREA

TOWN OF WAYLAND



Survey Department
Wayland GIS
41 Cochituate Road
Wayland, MA 01778
April 1, 2004

------ Town Line

Scale

0 125 250 500 750 1,000 1,250 Feet

N W E S

APPENDIX J

Code of the Town of Wayland, Massachusetts, v10 Updated through 9-15-2003
Division 1 Bylaws
Part 1 Administrative Legislation
Chapter 36, MEETINGS

ARTICLE I, Notice and Warrant; Moderator [Adopted 3-12-1973 ATM by Art. 14 as Art. 1 of the 1973 Bylaws]

§ 36-1. Annual Town meeting and election. [Amended 3-11-1974 ATM by Art. 11; 5-1-1991 STM by Art. 3]

The annual Town meeting shall commence on a day in April ordered by the Selectmen. The election of Town officers and the determination of all matters placed on the official ballot at such election shall take place within seven days, but no less than two days, before the annual Town meeting. In addition to the warrant required by MGL c. 39, § 9A, the Selectmen shall cause notice of the time and place(s) of each annual Town meeting and election to be published in a newspaper of general circulation in Wayland no later than the date fixed by them for the closing of the warrant pursuant to § 36-3 below.

§ 36-2. Service of warrant. [Amended 10-30-1974 STM by Art. 3; 5-6-1982 ATM by Art. 33; 5-8-1989 ATM by Art. 21; 11-14-1991 STM by Art. 14; 11-13-1996 STM by Art. 2]

Service of the warrant for the annual election and the annual Town meeting, and for any special election and any special Town meeting, shall be made by posting attested copies thereof at the Town Building and at the public library in Wayland Center, at the Cochituate Fire Station or Cochituate Post Office and at the Happy Hollow School and by mailing or delivering a copy thereof addressed to each residence in the Town not later than the time required under the Massachusetts General Laws for the giving of notice of such election or any such Town meeting.

§ 36-3. Submission of warrant articles. [Amended 5-6-1982 ATM by Art. 33; 5-7-1997 ATM by Art. 47; 5-7-1997 ATM by Art. 48]

All articles for insertion in the warrant for the annual Town meeting must be presented in writing to the Board of Selectmen in accordance with law on or before December 15 or such earlier time as may be fixed by the Board of Selectmen, and all such articles for special Town meetings must be so presented on or before the date fixed by the Selectmen for closing of the warrant for such meeting. In the event that December 15 is a Saturday, Sunday or legal holiday, all articles for insertion in the annual Town meeting warrant must be so presented by 4:30 p.m. on the next weekday following December 15 that the Wayland Town Building is open. The warrant for any special Town meeting shall remain open for at least seven days after it is called by the Board of Selectmen. Within 48 hours after calling any Town meeting, the Selectmen shall post notice of the warrant closing date at the locations specified in § 36-2 above.

A. However, after an article for insertion in the warrant has been duly presented to the Board of Selectmen by registered voters in accordance with law, said article may be amended or withdrawn by a majority, but not fewer than 10, of said registered voters after the warrant closing date. [Added 5-14-1998 ATM by Art. 59]

B. Town Counsel shall be accessible to registered voters for consultation on presenting articles for insertion in the warrant or on making motions or amendments from the floor of Town meeting. Town Counsel shall be available for consultation at reasonable times in accordance with guidelines promulgated by the Board of Selectmen. [Added 5-14-1998 by Art. 59]

C. No article, other than one submitted by the Moderator, Town Clerk, or the requisite number of petitioners, shall be inserted in the warrant for any town meeting unless so voted by a board, commission, committee, or other governmental body of the Town of Wayland before the time and date fixed by the Board of Selectmen for closing of the warrant for such meeting. [Added 4-3-2003 ATM by Art. 33]

APPENDIX K

Code of the Town of Wayland, Massachusetts, v10 Updated through 9-15-2003
Division 1 Bylaws, Part 1 Administrative Legislation
Chapter 58, SELECTMEN, BOARD OF

[HISTORY: Adopted by the Annual Town Meeting of the Town of Wayland 3-12-1973 by Art. 14 as Art. 3 of the 1973 Bylaws. Amendments noted where applicable.]

§ 58-1. Employment of counsel.

The Board of Selectmen shall have full authority as agents of the town to employ counsel to appear for and defend suits in the name of the town, unless otherwise especially ordered by a vote of the town.

§ 58-2. Town reports; service of warrant. [Amended 4-16-1975 ATM by Art. 11; 11-14-1991 STM by Art. 15]

The Board of Selectmen shall cause an adequate supply of the full town report to be available in the town offices at Wayland Center and in the public library in Wayland Center from which to furnish a copy to any interested person, and it shall cause the warrant and Finance Committee's report with recommendations to be served as provided in § 36-2 of this Code.

§ 58-3. States of emergency. [Added 12-5-1983 STM by Art. 3]

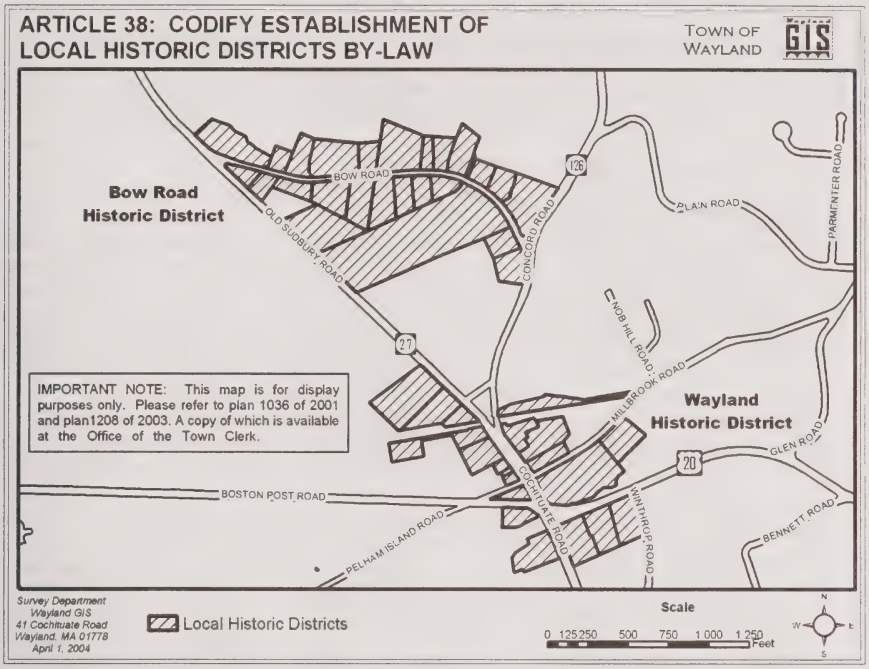
The Board of Selectmen shall have the authority to declare a state of emergency in the Town of Wayland upon the occurrence of any disaster, catastrophe, fire, flood, earthquake, storm or other natural calamity. Any state of emergency proclaimed by the Board of Selectmen shall, unless sooner terminated by proclamation of the Board of Selectmen, terminate five days from the day it takes effect.

§ 58-4. Use of vehicles for town business. [Added 5-8-1989 ATM by Art. 19]

The Board of Selectmen shall have full authority to establish rules and regulations, binding upon all boards, commissions, committees, councils, authorities, officials and employees of the Town of Wayland, governing:

A. The use of town-owned vehicles during a state of emergency in the town declared by the Board of Selectmen pursuant to § 58-3 of this chapter.
B. The marking of town-owned vehicles.
C. Recordkeeping and reporting requirements pertaining to the operation and maintenance of town-owned vehicles.
D. Personal use of town-owned vehicles and fuel, such as for commuting travel, by officials and employees of the town.
E. Reimbursement for the use of privately owned vehicles by employees and officials while on town business.

APPENDIX L



APPENDIX M

Code of the Town of Wayland, Massachusetts, v10 Updated through 9-15-2003
Division 1 Bylaws
Part 1 Administrative Legislation

Chapter 53, REPORTS

[HISTORY: Adopted by the Annual Town Meeting of the Town of Wayland 3-12-1973 by Art. 14 as Art. 5 of the 1973 Bylaws. Amendments noted where applicable.]

§ 53-1. Annual reports. [Amended 11-18-1982 STM by Art. 15]

All boards, commissions, committees, officers and agents of the town shall submit to the Selectmen, not later than September 30 after the end of each fiscal year, a written report giving an account of the business transacted during the preceding fiscal year. The Selectmen shall prepare such reports for publication each December in the Annual Town Report.

APPENDIX N

Code of the Town of Wayland, Massachusetts, v10 Updated through 9-15-2003
Division 1 Bylaws
Part 1 Administrative Legislation
Chapter 19. FINANCES

§ 19-8. Board of Assessors. [Added 5-8-2000 ATM by Art. 28]

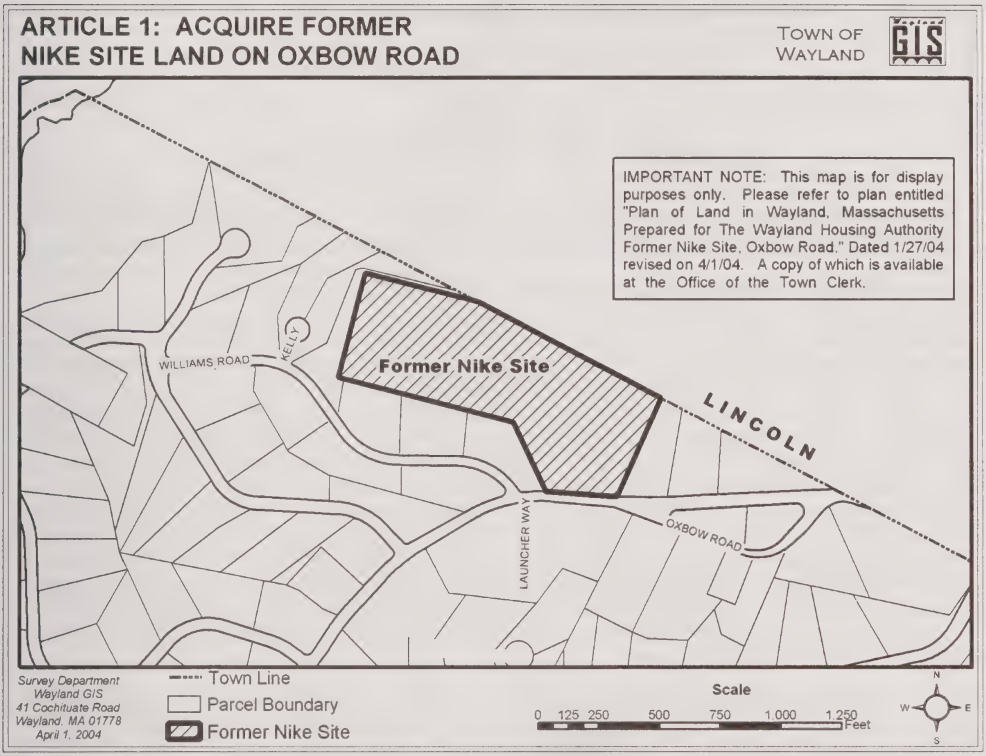
A. Annual Report. The Board of Assessors shall:
   (1) Make an annual report of sales of properties sold in Wayland available to the public by submitting it to the local newspapers, having it posted on the town's Internet Web site and providing copies at the Town Library. The report shall describe the semi-annual increase or decrease in the average sale price of residential properties in Wayland.
   (2) Prepare, as part of the reports to be heard under the annual town meeting "Hear Reports" article and the Annual Town Report a report for the previous six calendar years that provides:
      (a) The number of annual abatement requests filed with the Board of Assessors;
      (b) The annual number of abatements granted by the Board of Assessors;
      (c) The annual average value of the abatements granted by the Board of Assessors;
      (d) The number of annual abatement requests filed by Wayland property owners at the Appellate Tax Board with respect to Wayland properties;
      (e) A list by property of the dollar changes in each assessment granted as a result of Appellate Tax Board decisions; and
   (3) Prepare, as part of the report to be heard under the annual town meeting "Hear Reports" article and the Annual Town Report, a report for the previous calendar year that states the number of residential properties that were due for inspection, the number of properties actually inspected, the number of properties for which an internal inspection of the dwelling was conducted, the number of residential properties sold, the number of sold properties for which an internal inspection was conducted, the number of properties inspected in response to a grant of a building permit, and any other criteria requested by the Board of Selectmen or its designee that will provide guidance to the Town as to the effectiveness of the assessment process.

B. Quarterly reports. The Board of Assessors shall prepare and provide to the Board of Selectmen quarterly reports detailing the progress in implementing the Recommendations of the Assessment and Valuation Study Committee contained in Article 27 of the Warrant for the 1999 Annual Town Meeting and shall submit these reports to the Board of Selectmen or its designee for posting on the town's Internet Web site.

C. Public hearing. The Board of Assessors shall hold a public hearing annually to listen to taxpayer concerns and questions regarding the assessment process and the services provided by the Assessors' Office. The Board of Assessors shall ensure that adequate time is provided for the hearing and that the agenda is set so that a hearing occurs where citizens are given a reasonable amount of time to voice their concerns

D. Increased valuation information. After each revaluation, the Board of Assessors shall send, within 30 days of the actual tax bill, a separate, reasonably detailed written explanation of the actual basis for the increased valuation for each residential property for which the new valuation percentage increase is eight percentage points or more above the town-wide average residential increase in percentage points. Town-wide average residential increase shall be based on a data set that includes all those revalued residential properties for which no building permit has been issued between the current revaluation and the prior valuation.

APPENDIX O


ARTICLE 1: ACQUIRE FORMER NIKE SITE LAND ON OXBOW ROAD
TOWN OF WAYLAND
GIS
IMPORTANT NOTE: This map is for display purposes only. Please refer to plan entitled "Plan of Land in Wayland, Massachusetts Prepared for The Wayland Housing Authority Former Nike Site, Oxbow Road." Dated 1/27/04 revised on 4/1/04. A copy of which is available at the Office of the Town Clerk.
Former Nike Site
WILLIAMS ROAD
KELLY
LINCOLN
LAUNCHER WAY
OXBOW ROAD
Survey Department
Wayland GIS
41 Cochituate Road
Wayland, MA 01778
April 1, 2004
Town Line
Parcel Boundary
Former Nike Site
Scale
0 125 250 500 750 1,000 1,250 Feet
N
W
E
S

APPENDIX P

GENERAL LAWS OF MASSACHUSETTS
PART I.
ADMINISTRATION OF THE GOVERNMENT

TITLE IV.
CIVIL SERVICE, RETIREMENTS AND PENSIONS

CHAPTER 32B. CONTRIBUTORY GROUP GENERAL OR BLANKET INSURANCE FOR PERSONS IN THE SERVICE OF COUNTIES, CITIES, TOWNS AND DISTRICTS, AND THEIR DEPENDENTS

Chapter 32B: Section 18 Medicare extension plans; mandatory transfer of retirees

Section 18. In a governmental unit which has accepted the provisions of section ten and which accepts the provisions of this section, all retirees, their spouses and dependents insured or eligible to be insured under this chapter, if enrolled in medicare part A at no cost to the retiree, spouse or dependents or eligible for coverage thereunder at no cost to the retiree, spouse or dependents, shall be required to transfer to a medicare extension plan offered by the governmental unit under section eleven C or section sixteen; provided, that benefits under said plan and medicare part A and part B together shall be of comparable actuarial value to those under the retiree's existing coverage. Each retiree shall provide the governmental unit, in such form as the governmental unit shall prescribe, such information as is necessary to transfer to a medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health coverage. The governmental unit may from time to time request from any retiree, a retiree's spouse and dependents, proof certified by the federal government of their eligibility or ineligibility for medicare part A and part B coverage. The governmental unit shall pay any medicare part B premium penalty assessed by the federal government on said retirees, spouses and dependents as a result of enrollment in medicare part B at the time of transfer into the medicare health benefits supplement plan.

This section shall take effect in a county, except Worcester county, city, town or district upon its acceptance in the following manner:-- In a county by vote of the county commissioners; in a city having a Plan D or Plan E charter by a majority vote of its city council; in any other city by vote of its city council, approved by the mayor; in a district, except as hereinafter provided, by vote of the registered voters of the district at a district meeting; in a regional school district by vote of the regional district school committee; and in a town either by vote of the town at a town meeting or, by a majority of affirmative votes cast in answer to the following question which shall be printed upon the official ballot to be used at an election of said town:-- ""Shall the town require that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to a retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to a retiree, their spouse or dependents, be required to enroll in a medicare health benefits supplement plan offered by the town?".

APPENDIX Q

GENERAL LAWS OF MASSACHUSETTS
PART PARTIzMV-RP.
ADMINISTRATION OF THE GOVERNMENT

TITLE VII.
CITIES, TOWNS AND DISTRICTS

CHAPTER 40. POWERS AND DUTIES OF CITIES AND TOWNS

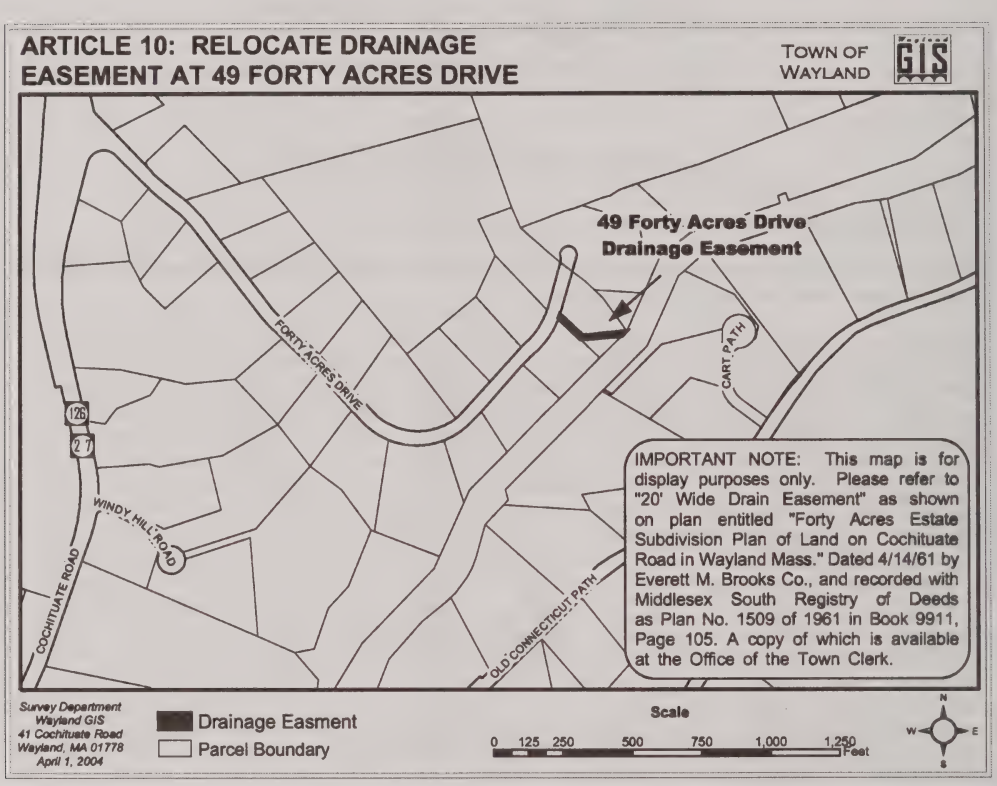
Chapter 40: Section 4A Governmental units; joint operation of public activities; termination of agreement; "governmental unit" defined; financial safeguards

Section 4A. The chief executive officer of a city or town, or a board, committee or officer otherwise authorized by law to execute a contract in the name of a governmental unit, as hereinafter defined, may enter on behalf of such unit into an agreement with one or more other governmental units to perform jointly or for such other unit or units any services, activities or undertakings which any of the contracting units is authorized by law to perform, if such agreement is authorized by the parties thereto, in a city by the city council with the approval of the mayor, and in a town or district by the town or district meeting; provided, however, that when such agreement involves the expenditure of funds for educational purposes accepted pursuant to section fifty-three A of chapter forty-four, or the expenditure of funds for establishing supplementary education centers and innovative educational programs, the agreement and its termination shall be authorized by the school committee. Any such agreement shall be for such maximum term, not exceeding twenty-five years, and shall establish such maximum financial liability of the parties, as may be specified in the authorizing votes of the parties thereto. A governmental unit, when duly authorized to do so in accordance with the provisions of law applicable to it, may raise money by any lawful means, including the incurring of debt for purposes for which it may legally incur debt, to meet its obligations under such agreement. Notwithstanding any provisions of law or charter to the contrary, no governmental unit shall be exempt from liability for its obligations under an agreement lawfully entered into in accordance with this section. The words ""governmental unit" as used herein shall mean a city, town, a regional school district, a district as defined in section one A, regional planning commissions, however constituted, regional transit authorities established under the provisions of chapter one hundred and sixty-one B, a water and sewer commission established under the provisions of chapter forty N or of a special law, and counties.

All agreements put into effect under this section shall provide sufficient financial safeguards for all participants, including, but not limited to: accurate and comprehensive records of services performed, costs incurred, and reimbursements and contributions received; the performance of regular audits of such records; and provisions for officers responsible for the agreement to give appropriate performance bonds. The agreement shall also require that periodic financial statements be issued to all participants. Nothing in this section shall prohibit any agreement entered into between governmental units from containing procedures for withdrawal of a governmental unit from said agreement.

All bills and payrolls submitted for work done under any such agreement shall be plainly marked to indicate that the work was done under authority thereof. Any reimbursement for or contribution toward the cost of such work shall be made at such intervals as the agreement provides. The amount of reimbursement received under any such agreement by any governmental unit shall be credited on its books to the account of estimated receipts, but any funds received under the provisions of section fifty-three A of chapter forty-four for contribution toward the cost of such work may be expended in accordance with the said provisions. The equipment and employees of a governmental unit while engaged in performing any such service, activity or undertaking under such an agreement shall be deemed to be engaged in the service and employment of such unit, notwithstanding such service, activity or undertaking is being performed in or for another governmental unit or units.

APPENDIX R


ARTICLE 10: RELOCATE DRAINAGE EASEMENT AT 49 FORTY ACRES DRIVE
TOWN OF WAYLAND
GIS
49 Forty Acres Drive Drainage Easement
FORTY ACRES DRIVE
CART PATH
126
27
WINDY HILL ROAD
COCHITUATE ROAD
OLD CONNECTICUT PATH
IMPORTANT NOTE: This map is for display purposes only. Please refer to "20' Wide Drain Easement" as shown on plan entitled "Forty Acres Estate Subdivision Plan of Land on Cochituate Road in Wayland Mass." Dated 4/14/61 by Everett M. Brooks Co., and recorded with Middlesex South Registry of Deeds as Plan No. 1509 of 1961 in Book 9911, Page 105. A copy of which is available at the Office of the Town Clerk.
Survey Department
Wayland GIS
41 Cochituate Road
Wayland, MA 01778
April 1, 2004
Drainage Easment
Parcel Boundary
Scale
0 125 250 500 750 1,000 1,250 Feet
N
W
E
S

APPENDIX S

Code of the Town of Wayland, Massachusetts, v10 Updated through 9-15-2003
Division 1 Bylaws
Part II General Legislation

Chapter 83, ALARMS

[HISTORY: Adopted by the Annual Town Meeting of the Town of Wayland 5-2-1990 by Art. 14 (Art. 30 of the 1973 Bylaws); amended in its entirety by the Annual Town Meeting 5-1-1995 by Art. 14. Subsequent amendments noted where applicable.]

§ 83-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the following meanings:

ALARM SYSTEM -- Any assembly of equipment and/or devices that are designed to be activated either manually or automatically for the purpose of drawing attention to the presence of a hazard or situation, criminal or otherwise, to which the Police or Fire Department is expected to respond.
ALARM USER -- Any person or business on whose premises an alarm system is installed and maintained within the Town of Wayland, except for alarm systems that are installed in or on motor vehicles.

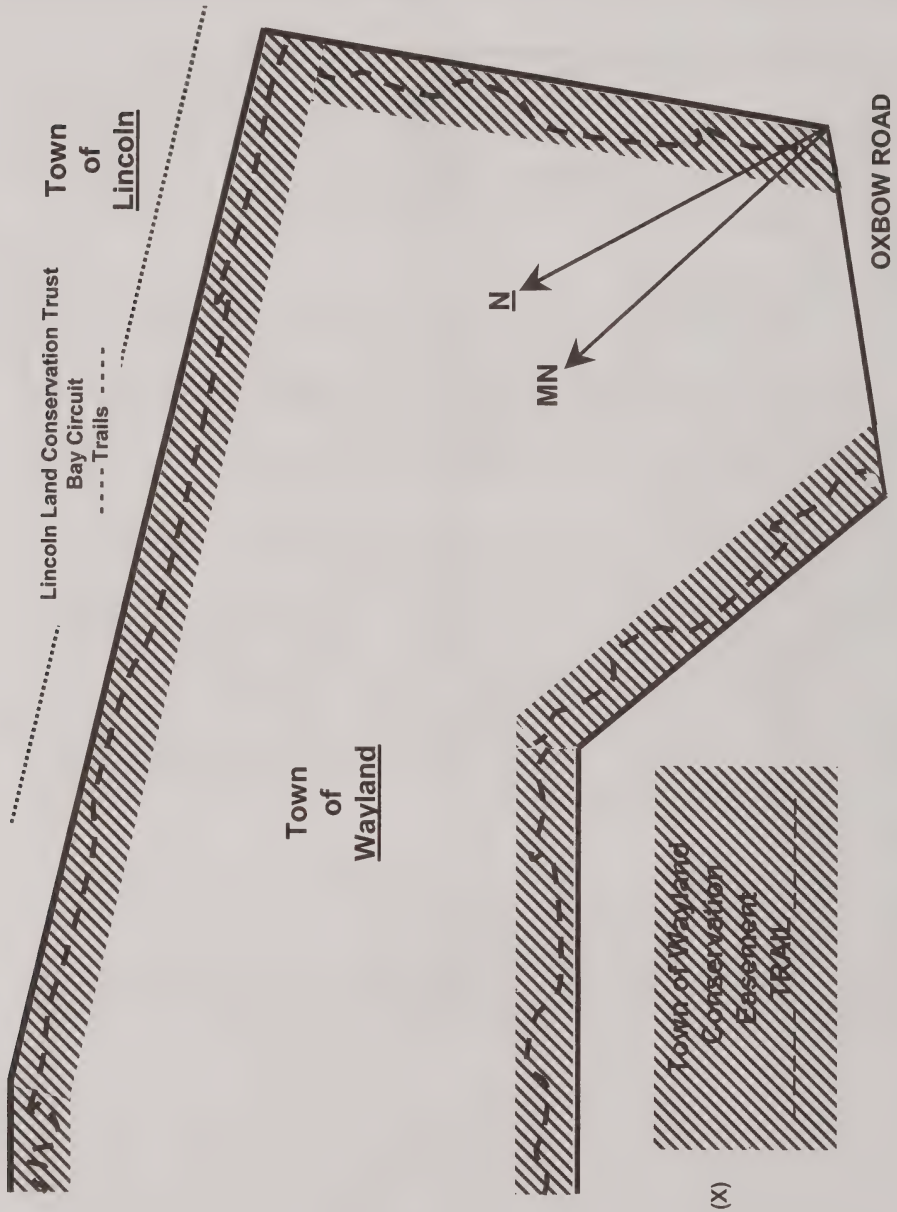
FALSE ALARM
A. The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of the alarm system or his/her employees or agents.
B. Any signal or communication transmitted to the Police Department requesting, requiring or resulting in a response from the Police Department when, in fact, there has been no unauthorized entry or intrusion into the premises and there has been no attempted robbery or burglary at the premises. Excluded from this definition shall be the activation of an alarm system by power outages, utility companies or other outside sources, hurricanes, severe storms and similar conditions. [Amended 4-28-1997 STM by Art. 2]
C. Any signal or communication transmitted to the Wayland Public Safety Dispatch Center requesting, requiring or resulting in response from the Fire Department when, in fact, there has been no fire. Excluded from this definition shall be the activation of an alarm system by power outages, utility companies or other outside sources, hurricanes, severe storms and similar conditions.

§ 83-2. False alarms

A. After the Police and Fire Departments have recorded three separate false alarms in the aggregate within the calendar year, the alarm user shall be assessed the following fees:
    (1) Twenty-five dollars for the fourth false alarm.
    (2) Fifty dollars for the fifth and subsequent false alarms.

Failure to pay the fee within the prescribed time period will result in court action for violation of a town bylaw or a municipal charges lien being placed on the real property pursuant to MGL c. 40, § 58, in the Middlesex County Registry of Deeds, South District, until the fee is paid.

APPENDIX T



Oxbow - Birchwood Conservation Easement

04/01/2004

EXHIBIT "A"
OXBOW – BIRCHWOOD
Town of Wayland

Conservation Commission

Conservation Easement

Town Assessors Map 1 Lot 47

Conservation Easement Area 3.58 Acre

Easement Perimeter 3220' +/-

Conservation Trail Length 3119' +/-

Easement Width 50'

Easement Elevation 185' +/- 3'

Trail Width 4' – 5' , Trail Elevation 185' +/-

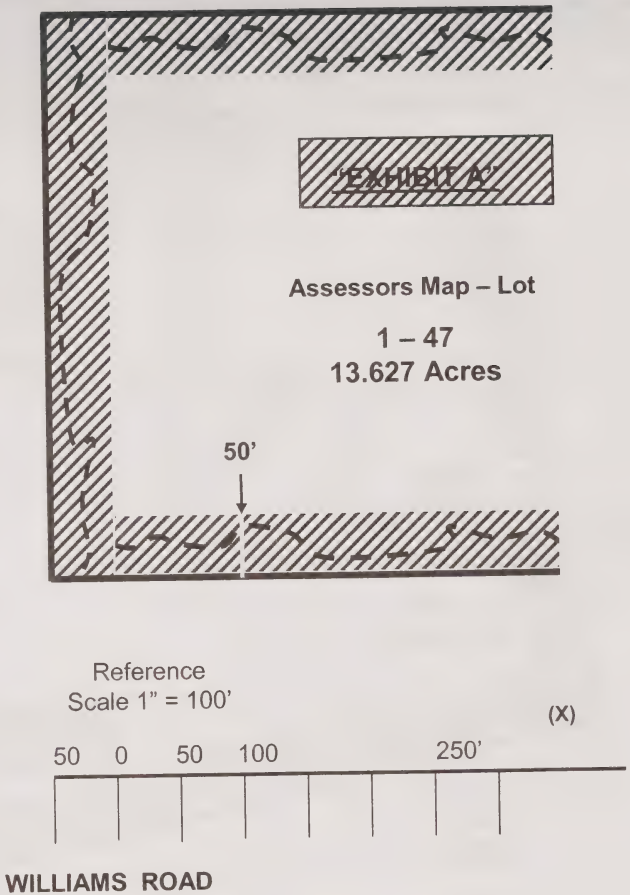
Trail Slope < 3% +/-

Trail Clearance Height 8' +/-

Trail Surface Smoothed non-paved

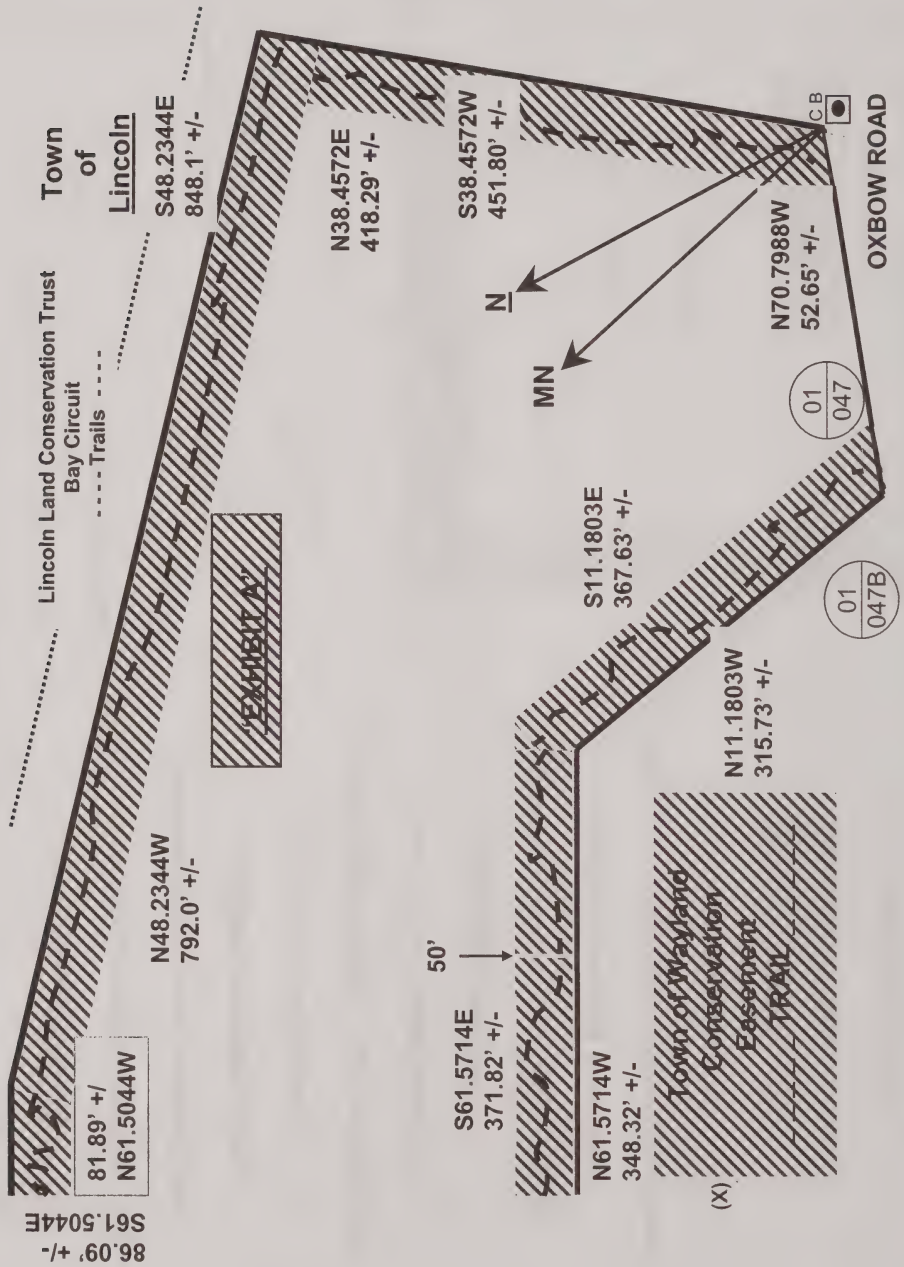
Trail Handicap Wheelchair Accessible

Location Oxbow Road



04/01/2004

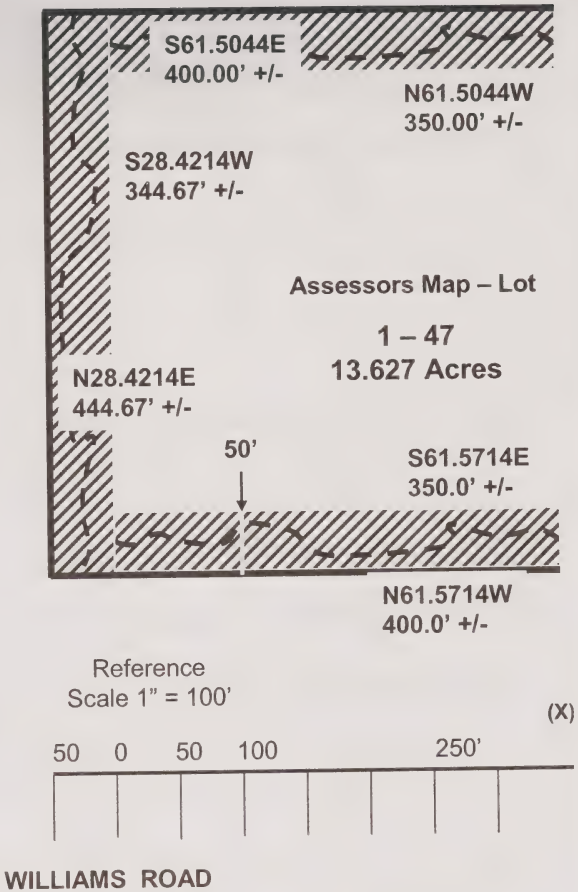
Oxbow - Birchwood Conservation Easement



04/01/2004

Oxbow - Birchwood Conservation Easement

EXHIBIT "A"
OXBOW - BIRCHWOOD
Town of Wayland
Conservation Commission
Conservation Easement
Town Assessors Map 1 Lot 47
Conservation Easement Area 3.58 Acre
Easement Perimeter 3220' +/-
Conservation Trail Length 3119' +/-
Easement Width 50'
Easement Elevation 185' +/- 3'
Trail Width 4' – 5' , Trail Elevation 185' +/-
Trail Slope < 3% +/-
Trail Clearance Height 8' +/-
Trail Surface Smoothed non-paved
Trail Handicap Wheelchair Accessible
Location Oxbow Road
Property Area 13.627 Acres
Property Perimeter 3600' +/-
Property Width 1300' , Depth 600' +/-
Property Elevation 185' +/- 3'
Property Coordinates
USGS Geological Survey
42.4083N 71.3583W
Conservation Commission Easement
Central Hardwood Forest Upland
Oak, Maple, Birch, Poplar, Aspen, Ash, Pine
Trail Linked to Lincoln LLCT trail and
Bay Circuit trail complex.
Historical Preservation Nike site boundaries



OXBOW – BIRCHWOOD **CONSERVATION EASEMENT AREA**

MAP 01 LOT 047 Exhibit "A"

Starting at a point of the intersection of Map 01 Lot 047, Map 01 Lot 47B, Haffey et al and Oxbow Road;
Thence proceeding N11.1803 degrees W 315.73' +/- by land of Map 01 Lot 047B of Haffey et al to a point;
Thence proceeding N61.5714 degrees W 748.32' +/- by land of Map 01 Lot 047B of Haffey, et al;
By land of Map 01 Lot 047C Pitt et al, by land of Map 01 Lot 047D of D'Ambrosio and Serafini et al,
By land of Map 01 Lot 047E of Reilly and Loving et al to a point;
Thence proceeding N28.4214 degrees E 444.67' +/- by land of Map 01 Lot 047E of Reilly and Loving et al to a point;
Thence proceeding S61.5044 degrees E 486.09' +/- by land of Map 01 Lot 047E of Reilly and Loving et al to a point;
Thence proceeding S48.2344 degrees E 848.10' +/- by land of Town of Lincoln Map 100 Block 14 Lot 0 et al to a point;
Thence proceeding S38.4572 degrees W 451.80' +/- by land of Map 02 Lot 018 of Murphy et al to a point, at a concrete bound with a drill hole;
Thence proceeding N70.7988 degrees W 52.65' +/- with a radius of 975', by land of Oxbow Road to a point;
Thence proceeding N38.4572 degrees E 418.29' +/- to a point;
Thence proceeding N48.2344 degrees W 792.0' +/- to a point;
Thence proceeding N61.5044 degrees W 431.89' +/- to a point;
Thence proceeding S28.4214 degrees W 334.67' +/- to a point;
Thence proceeding S61.5714 degrees E 721.82' +/- to a point;
Thence proceeding S11.1803 degrees E 367.63' +/- to a point;
Thence proceeding S107.9797 degrees W 57.26' +/- by land of Oxbow Road to the point of beginning.
//

Easement boundary, Map 01 Lot 047, Length 3220' +/-, width 50', area 3.580 acres, mean elevation 185' +/-
Trail Length 3119' +/- Trail Elevation 185' +/- 3' Trail Slope <3%

04/01/2004 Oxbow - Birchwood Conservation Easement

APPENDIX U

Questions and Answers regarding the Town Administrator Proposal

Q: What is the present structure of Wayland's town government, and what is the proposed change?

A: Operating departments within Wayland town government are managed in one of three ways, including:

1. those departments overseen by independently elected boards (e.g., School Committee, Board of Road Commissioners, Park and Recreation Commission, Planning Board, Board of Assessors, Board of Health, Library Board of Trustees and Board of Water Commissioners),
2. those departments under the immediate supervision of the Board of Selectmen (e.g., Police, Fire, Finance, Treasurer/Collector, Human Resources, Town Counsel, Building Commissioner, Town Surveyor, Veterans' Services, and Animal Control Officer) and
3. those departments, while formally overseen by the Board of Selectmen, that are under the immediate supervision of appointed boards (e.g., Conservation Commission and Council on Aging).

Towns in Massachusetts, when determining the level of authority and responsibility for the Board of Selectmen's chief staff person, typically have three choices: Executive Secretary, Town Administrator and Town Manager. An Executive Secretary has the least amount of independence and authority among these choices, whereas the Town Manager has the most. Wayland presently has an Executive Secretary, and the Wayland Board of Selectmen is proposing and has endorsed moving to the Town Administrator form of governance. The Selectmen believe this choice strikes an appropriate balance between maintaining the independence of elected boards, and of improving inter-departmental communication and collaboration in Town government.

Q: Why is the Board of Selectmen proposing this change?

A: Chief among the Board of Selectmen's responsibilities are 1) the Town's legal affairs, 2) Town government's adherence to personnel laws and collective bargaining agreements and, 3) overseeing the town's finances (in collaboration with the Finance Committee). To more effectively and efficiently mange these three critical areas, the Selectmen believe that better inter-departmental communication and collaboration are needed.

Mistakes in these areas can be costly, and it is no longer reasonable to expect that elected boards of volunteers, absent support from elsewhere in Town government, can oversee the increasingly demanding and complex challenges of Town government. Further, as priority projects for the Town are undertaken or as emergency situations arise, it is essential that the activities of all Town departments involved be well coordinated and well managed.

Q: What actions are required to make the proposed changes?

A: The adoption of a warrant article at the Spring, 2004 Town Meeting and authorization to petition the General Court of the Commonwealth (the State legislature) to effect certain changes in State laws regulating independently elected boards are required to implement these changes.

Q. How would town government operate differently if this change were approved?

A. First, the Town Administrator would be given more authority and greater responsibility over Town departments presently under the control of the Board of Selectmen. The Town Administrator would be given the authority to hire, evaluate and discipline (including dismissal if necessary) department heads. For certain positions (e.g., Fire Chief, Police Chief, Finance Director, Town Counsel and Human Resources Director), the Board of Selectmen would need to ratify the Town Administrator's appointments. While it is envisioned that the Town Administrator would use the present approach to recruit and evaluate candidates for available positions (working with a team of Town officials and professionals in the field from neighboring towns), the Town Administrator would make the actual appointments.

In those departments overseen by elected board members, the Town Administrator would provide critical input into the hiring and evaluation of the principal staff working in those departments. In this way, an elected board would receive feedback on day-to-day management and operations of its department from the perspective of a full-time, professional colleague. However, the Town Administrator would neither change policies established by an elected board, nor would s/he direct the specific, technical ways in which the department operates.

Q: Things seem to run pretty smoothly now. Why propose this change?

A: It's true that the Town government for the most part runs quite smoothly. Most departments are exemplary in providing services to Town residents and businesses due to the dedication and hard work of a talented staff. From time to time, however, certain departments function less well, or have somewhat strained relations between departmental employees and board members.

Further, judgements in lawsuits or settlements of court cases made due to mistakes made by well-intentioned, but inexperienced, volunteer board members or staff people in the areas of human resources, finances and litigation can be very costly to the Town. A Town Administrator would help to minimize the likelihood of such missteps in the future, as well as to improve the efficiency and effectiveness of municipal service delivery.

Q: How would this change affect the schools and other elected boards?

A: As an independently elected board, the School Committee would continue to set educational policies, and to oversee the day-to-day administration of the Town's school system. Such other elected boards as the Library Trustees, Board of Road Commissioners, Planning Board and Board of Health also would continue to set policy for the departments they oversee. As noted above, the Town Administrator would participate in the hiring and evaluation of principal staff for these departments. The Town Administrator will continue the progress made to date in exploring ways in which all aspects of Town government can work together to complement one another, and to provide equal or better services more efficiently.

Q: What are the cost implications of implementing these changes?

A: Given the increased responsibilities and authority of a Town Administrator in comparison to those of an Executive Secretary, some additional salary and benefits expense (an estimated $20,000 - $25,000 annually) may be incurred. Apart from that change, no additional expense for new staff is expected as the Town Administrator and department heads are expected to delegate more authority to Town employees as they assume new responsibilities.

This change would have the added benefit of relieving the Town board members of needing to devote so much time to administrative matters, and to spend more time on policymaking and prioritizing.

Q: The present system of independently elected boards provides important checks and balances, and also affords meaningful volunteer opportunities for Wayland residents wishing to contribute to the Town. Will the proposal adversely affect these?

A: The Selectmen believe that the independence of the elected boards would remain intact under this proposal. The Town Administrator would not interfere with the policymaking role of the elected boards. Also, this recommended change would enable Town departments to communicate and to support one another better than today. Finally, volunteers serving on boards in Town government would be better able to contribute in more meaningful ways by setting policy direction and attending to special projects or initiatives, rather than primarily attending to day-to-day, administrative duties.

DRAFT 3/17/04

TOWN OF WAYLAND
POSITION DESCRIPTION

TITLE: TOWN ADMINISTRATOR

Department: Selectmen's Office

Appointing Authority: Selectmen

Affiliation: Non-Union

Personnel Board Approved: TBD

Summary of Duties

The Town Administrator shall be the chief operating and administrative officer of the Town.

I. Responsibilities Specific to Areas under the Jurisdiction of the Board of Selectman:

Accountable to the Board of Selectmen, the Town Administrator is the senior staff person responsible for providing leadership in the development, implementation and administration of all policies and programs established and approved by the Board in accordance with all applicable by-laws and regulations.

Subject to ratification by majority vote of all members of the Board of Selectmen then serving, the Town Administrator shall have the power and authority to:

(a) appoint, on the basis of merit and fitness alone, without the ratification by the Board of Selectmen, and evaluate, discipline or, for cause, remove, without the ratification of the Board of Selectmen:

1) an Information Technology Director,
2) a Town Surveyor or a Town Engineer,
3) all other administrative and clerical employees in the Offices of the Board of Selectmen and the Town Administrator; and
4) such other Town officers, department heads and employees as authorized by order of the Board of Selectmen, by-law or state law; and

(b) appoint, on the basis of merit and fitness alone, subject to ratification by a majority vote of the full membership of the Board of Selectmen then serving, and evaluate, discipline and, for cause, remove, without the ratification of the Board of Selectmen, a Human Resource Director;

(c) appoint, on the basis of merit and fitness alone, subject to ratification by a majority vote of the full membership of the Board of Selectmen then serving, and, without cause, remove, without the ratification of the Board of Selectmen, Town Counsel and special counsel, except for counsel to the School Committee;

(d) upon enactment of a special act approved by the legislature of the Commonwealth of Massachusetts, appoint, on the basis of merit and fitness alone, with ratification by a majority vote of the full membership of the Board of Selectmen then serving, and evaluate, discipline and, for cause, remove, without the ratification of the Board of Selectmen:

1) a Police Chief,
2) a Fire Chief,
3) a Finance Director, who shall have the authority and responsibilities of a town accountant, and

(e) upon enactment of a special act approved by the legislature of the Commonwealth of Massachusetts, appoint, on the basis of merit and fitness alone, without ratification by the Board of Selectmen, and evaluate, discipline and, for cause, remove, without the ratification of the Board of Selectmen:

1) a Building Commissioner,
2) one or two Directors of the Council on Aging,
3) a Conservation Administrator, and
4) a Town Treasurer and Collector.

The Town Administrator will consult with relevant primary boards and committees working with the department heads noted in Subsections (a) through (e) above, prior to implementing personnel related actions.

II. Responsibilities Specific to Areas Under the Jurisdiction of the Board of Selectmen as well as Other Elected and Appointed Boards and Committees:

The Town Administrator is not responsible for setting Town policies or approving Town programs. However, many Town policies and programs impact multiple areas of Town government. The Town Administrator shall:

(a) with respect to Town policies and programs that impact multiple areas of Town government, working with all elected and appointed boards and committees and Town department heads, be accountable for ensuring there is appropriate administration and coordination both (i) in the implementation and on-going adherence to Town policies; and (ii) in the development and execution of programs;

(b) be accountable for ensuring that all Town boards and committees and employees under the jurisdiction of these Boards:

1) comply with the Town's financial, personnel and legal policies and procedures;
2) comply with votes of town meeting and Town by-laws and federal and state laws;
3) with respect to the development, implementation and execution of policies and programs affecting various Town departments:
   i. coordinate the setting of priorities with the rest of the Town government;
   ii. communicate activities, including projects, plans and studies, so that necessary input is received from all areas of Town government that should be involved in those initiatives;
   iii. coordinate efforts so that cross-functional services to residents and others are effectively and consistently delivered, and
4) prepare, file and maintain the appropriate records and reports on behalf of the Town;

but, in no event shall the Town Administrator be responsible for making policy decisions or implementing technical decisions provided for by state statute, Town by-laws or Town policies;

(c) work with the Finance Director and Finance Committee to:

1) develop long-term financial strategies for the Town;
2) establish set budgetary guidelines to be used in the development of annual budgets;
3) review budgets of all Town departments and make recommendations to the affected boards and committees and to the Finance Committee about priorities important to budget development, and
4) evaluate actual expenditures and receipts against budgets and coordinate with affected department heads, boards and committees the development of plans to manage to the budget or obtain Finance Committee approval for Reserve Fund transfers, in advance of spending, when possible;

Financial related recommendations made to the Finance Director and Finance Committee by the Town Administrator, that have an impact on areas under the jurisdiction of elected and appointed boards and committees, will be coordinated with those elected boards and committees, in conjunction with department heads.

(d) maintain an inventory of all Town-owned real and personal property;

(e) serve as the Town's chief procurement officer under the provisions of Massachusetts General Laws Chapter 30B;

(f) working with the Town's Human Resource Director, be responsible for the daily administration of the Town-wide personnel system, including the maintenance of personnel records and the enforcement of personnel policies, rules and regulations and managing personnel costs to ensure maximum efficiency and fairness across Town departments;

(g) oversee crisis intervention in emergency situations, working with other key Town department heads, and address any systemic problems impacting multiple areas of Town as they arise, being accountable for ensuring priority items are properly attended to and for bringing concerns about problem resolution to related boards and committees, and ultimately, to the Board of Selectmen for assistance in resolution, if necessary;

(h) annually evaluate the job performance of all Town officers and department heads under the jurisdiction of the Board of Selectmen after seeking input and recommendations from any appointed committees served by any such officers and department heads, and;

(j) at least annually, provide input to the office of the Town Clerk about his/her performance.

III. Duties Specific to Areas Under the Jurisdiction of Other Elected and Appointed Boards and Committees:

With respect to department heads working for elected boards, the Town Administrator will provide feedback to the elected board on the employee's job performance, at a minimum as part of the annual evaluation process. Feedback will address the Town Administrator's interaction with the department head relating to areas addressed under Section II. Final authority over hiring, evaluating, disciplining and firing will remain with the elected board, with input provided by the Town Administrator.

IV. Job Environment

Work is generally performed in typical office conditions, with frequent interruptions and requests for information; frequent early morning and evening meetings are required.

The Town Administrator will operate personal computer and standard office equipment.

Makes regular contact with Town boards and committees, department heads, employees, state and federal agencies, various legal counsels, union officials, consultants, and the general public; contacts involve a wide variety of issues pertaining to Town business; contacts require considerable judgment, persuasion, strategy, patience, courtesy and discretion and the ability to handle sensitive and confidential information.

Has access to a wide range of confidential information.

Errors in judgment could severely affect the Town's ability to deliver services and could result in substantial monetary and/or legal repercussions, could expose the Town to certain legal liabilities, and could affect the public's confidence.

Certain department heads and elected boards and committees have state statutory authority or responsibility over specific job related activities resulting in the implementation of technical decisions as defined in Town by-laws or Town policies. The technical knowledge necessary to execute the specific job related activities is held by the applicable department head and elected Boards and Committees. For example, only the Building Inspector can approve building permits, only the Finance Director can authorize the actual disbursement of Town funds, only the Police Chief has the authority to make arrests, only the Library Director and the Library Trustees can direct that books to be purchased for the library and only the Health Director and the Board of Health can issue septic system permits.

The Town Administrator shall understand and have a working knowledge of the statutory authority and responsibility held by certain department heads and elected boards and committees so s/he can effectively support these officers in the execution of their duties. Nothing in this by-law is intended to reassign state statutory authority or responsibility over specific job activities, as defined in Town by-laws or Town policies to the Town Administrator.

V. Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The functions and duties of the Town Administrator shall include the following:

AREAS UNDER THE JURISDICTION OF THE BOARD OF SELECTMAN

Act as the day-to-day administrator of all activities under the jurisdiction of the Board of Selectmen as well as be an active participant developing and overseeing implementation of the Board's long-term initiatives:

- Implement the goals and policies of the Board of Selectmen
- Make strategic recommendations to the Board of Selectmen regarding priority initiatives, particularly related to finance, personnel, customer service to residents and others and legal matters
- Act as the liaison with, and represent, the Board of Selectmen before state, federal, and regional authorities
- Attend meetings representing the Board of Selectmen
- Supervise, direct, and be responsible for the efficient administration of all departments and employees within the jurisdiction of or appointed by the Board of Selectmen
- Establish and maintain appropriate administrative procedures for the conduct of all affairs under the jurisdiction of the Board of Selectmen
- Exercise general supervision over the personnel, organization, systems, and practices of the Board of Selectmen's office
- Identify and screen applicants for appointment to Town boards, committees and commissions, when requested by the Board of Selectmen
- Oversee the administration of annual and special town meeting warrants
- Work with relevant department heads to ensure proper maintenance, upkeep and repair of Town buildings and structures under the jurisdiction of the Board of Selectmen

Areas Under the Jurisdiction of the Board of Selectmen as well as Other Elected and Appointed Boards and Committees:

- Work across Town departments, boards and committees to ensure service concerns brought to the Town Administrator by residents and others are addressed
- Act as principal contact, coordinating communication about critical issues impacting the Town; ensure that the Board of Selectmen, other boards and committees, department heads, residents and external constituencies are informed, as necessary

- Take the initiative to evaluate problems impacting multiple areas of Town as they arise, ensuring priority items are properly attended to
- Serve as the Town's chief spokesperson and principal contact in addressing suggestions, complaints, and criticism
- Facilitate the coordination of town-wide activities (eg. Town Meeting)
- Be responsible for the overall risk management of the Town
- Enforce the policies of the Board of Selectmen, votes of Town Meeting, federal and state and Town laws, rules and regulations
- Ensure all Town Departments maintain required and appropriate records and reports
- Be responsible for all purchasing decisions as Chief Procurement Officer on behalf of the Town of Wayland, including standardizing the procurement process and relevant purchasing contracts (can be delegated)
- As requested, be proactive in helping department heads ensure proper use, maintenance, repair, and rental of all Town facilities, equipment, and property
- Ensure the Town has a plan in place for efficiently and cost-effectively using technology and that it is being implemented within budget constraints and is periodically reviewed and updated
- Coordinate cross functional ad hoc committees staffed with Town employees (e.g. land use, technology, records management committees)
- Hold periodic meetings with department heads and, when warranted with all town employees or with department heads and their employees
- Maintain records of the current and planned use of land for the Town
- Prepare applications for grants and either administer grants received or ensure the activities are delegated to the proper board or committee and department head
- Manage agreements between the Town and other entities such as state agencies, courts, leases and rental agreements, etc.
- Review payment of all warrants and vouchers, including payrolls of departments, prior to approval by the Board of Selectmen

SPECIFIC FUNCTIONS

Human Resources

Collaborate with the Personnel Board to manage the activities of the Human Resources Director performed in accordance with the Human Resource Director's job description.

Finance

Collaborate with the Finance Committee to manage the activities of the Finance Director performed in accordance with the Finance Director's job description.

Legal

Oversee the legal aspects of the Town in collaboration with Town Counsel, including procurement, contracts, litigation, and employment matters across all Town departments.

- Coordinate litigation and legal opinions between Selectmen, legal counsel, and various boards, departments, committees, and commissions

- Responsible for providing access to legal counsel and for the legal budget
- Monitor and ensure compliance with federal and state and town laws and established Town policies and procedures to minimize the Town's exposure to liability and risk

VI. Recommended Minimum Qualifications

Education:
Bachelor's degree in a relevant field of endeavor; a Master's Degree in an appropriate field is preferred

Experience:
A minimum of seven (7) years of experience in public administration with a minimum of five (5) years served in a senior management capacity

Substitutions:
An equivalent combination of education and business management experience may be substituted.

Licenses/Certificates:
Must possess a valid driver's license to operate a motor vehicle.

VII. Physical Requirements:

VIII. Annual Evaluation Process:

The Board of Selectmen will be responsible for setting goals and objectives for the Town Administrator and for evaluating the Town Administrator's performance on at least an annual basis. In performing the evaluation the Chair of the Board of Selectmen will seek input from a representative sample of relevant Department Heads and Chairs of Boards and Committees working most closely with the Town Administrator on assigned goals and objectives. The input will primarily be focused on how the Town Administrator is executing their duties, particularly related to Sections I and II, above.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

★★★★★★★★★

You are required to serve this Warrant by posting copies thereof, attested by you, at the Town Building, at the Public Library in Wayland Center, at the Cochituate Fire Station or the Cochituate Post Office, and at the Happy Hollow School, and by mailing or delivering a copy thereof addressed to each residence in the Town seven (7) days, at least, before the time appointed for the Annual Town Meeting, and fourteen (14) days, at least, before the time appointed for the Special Town Meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before April 13, 2004.

Given under our hands and seals this 12th day of April, 2004.

Mary M. Antes, Vice Chair

Betsy Connolly, Chair

Douglas J. Leard

Brian T. O'Herlihy

William T. Whitney

Selectmen of the Town of Wayland

Charles R. D'Ambrosio

Rod Fletcher

Karl A. Geiger

Cherry Karlson

Robert L. Lentz, Chair

G. Christopher Riley, Vice Chair

Lisa C. Schimmel

Finance Committee

HURRICANE • FLASH FLOOD • FIRE • HAZARDOUS MATERIALS SPILL • EARTHQUAKE • TORNADO • WINTER STORM

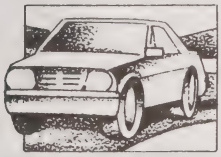
Your Family Disaster Plan

FAMILY EMERGENCY PREPAREDNESS
Family Protection Program

Where will your family be when disaster strikes? They could be anywhere—

at work

at school



or in the car.

How will you find each other? Will you know if your children are safe?

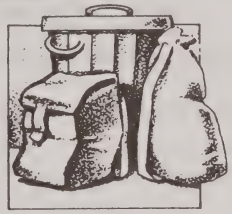
Disaster can strike quickly and without warning. It can force you to evacuate your neighborhood or confine you to your home. What would you do if basic services–water, gas, electricity or telephones–were cut off? Local officials and relief workers will be on the scene after a disaster, but they cannot reach everyone right away.

Families can–and do–cope with disaster by preparing in advance and working together as a team. Follow the steps listed in this brochure to create your family's disaster plan. Knowing what to do is your best protection and your responsibility.

American Red Cross

EMERGENCY SUPPLIES

Keep enough supplies in your home to meet your needs for at least three days. Assemble a Disaster Supplies Kit with items you may need in an evacuation. Store these supplies in sturdy, easy-to-carry containers such as backpacks, duffle bags or covered trash containers.



Include:

- A three-day supply of water (one gallon per person per day) and food that won't spoil.
- One change of clothing and footwear per person, and one blanket or sleeping bag per person.
- A first aid kit that includes your family's prescription medications.
- Emergency tools including a battery-powered radio, flashlight and plenty of extra batteries.
- An extra set of car keys and a credit card, cash or traveler's checks.
- Sanitation supplies.
- Special items for infant, elderly or disabled family members.
- An extra pair of glasses.

Keep important family documents in a waterproof container. Keep a smaller kit in the trunk of your car.

UTILITIES

Locate the main electric fuse box, water service main and natural gas main. Learn how and when to turn these utilities off. Teach all responsible family members. Keep necessary tools near gas and water shut-off valves.

Remember, turn off the utilities only if you suspect the lines are damaged or if you are instructed to do so. *If you turn the gas off, you will need a professional to turn it back on.*

4 Steps to Safety

1

Find Out What Could Happen to You

Contact your local emergency management or civil defense office and American Red Cross chapter — be prepared to take notes:

- ❑ Ask what types of disasters are most likely to happen. Request information on how to prepare for each.
- ❑ Learn about your community's warning signals: what they sound like and what you should do when you hear them.
- ❑ Ask about animal care after disaster. Animals may not be allowed inside emergency shelters due to health regulations.
- ❑ Find out how to help elderly or disabled persons, if needed.
- ❑ Next, find out about the disaster plans at your workplace, your children's school or daycare center and other places where your family spends time.

2

Create a Disaster Plan

Meet with your family and discuss why you need to prepare for disaster. Explain the dangers of fire, severe weather and earthquakes to children. Plan to share responsibilities and work together as a team.

- ❑ Discuss the types of disasters that are most likely to happen. Explain what to do in each case.
- ❑ Pick two places to meet:
  1. Right outside your home in case of a sudden emergency, like a fire.
  2. Outside your neighborhood in case you can't return home. Everyone must know the address and phone number.
- ❑ Ask an out-of-state friend to be your "family contact." After a disaster, it's often easier to call long distance. Other family members should call this person and tell them where they are. Everyone must know your contact's phone number.
- ❑ Discuss what to do in an evacuation. Plan how to take care of your pets.

Fill out, copy and distribute to all family members

Family Disaster Plan

Emergency Meeting Place _____ (outside your home)

Meeting Place _____ (outside your neighborhood) **Phone** _____

Address _____

_____

Family Contact _____ (name)

Phone ( ) _____ (day) **Phone** ( ) _____ (evening)

3

Complete This Checklist

- ❑ Post emergency telephone numbers by phones (fire, police, ambulance, etc.).
- ❑ Teach children how and when to call 911 or your local Emergency Medical Services number for emergency help.
- ❑ Show each family member how and when to turn off the water, gas and electricity at the main switches.
- ❑ Check if you have adequate insurance coverage.
- ❑ Teach each family member how to use the fire extinguisher (ABC type), and show them where it's kept.
- ❑ Install smoke detectors on each level of your home, especially near bedrooms.
- ❑ Conduct a home hazard hunt.
- ❑ Stock emergency supplies and assemble a Disaster Supplies Kit.
- ❑ Take a Red Cross first aid and CPR class.
- ❑ Determine the best escape routes from your home. Find two ways out of each room.
- ❑ Find the safe spots in your home for each type of disaster.

4

Practice and Maintain Your Plan

- ❑ Quiz your kids every six months so they remember what to do.
- ❑ Conduct fire and emergency evacuation drills.

Year	Drill Date
_____	_____
_____	_____
_____	_____

- ❑ Replace stored water every three months and stored food every six months.
- ❑ Test and recharge your fire extinguisher(s) according to manufacturer's instructions.
- ❑ Test your smoke detectors monthly and change the batteries at least once a year.

Jan. ❑	July ❑
Feb. ❑	Aug. ❑
Mar. ❑	Sep. ❑
Apr. ❑	Oct. ❑
May ❑	Nov. ❑
June ❑	Dec. ❑

Change batteries in _____ (month) each year.

NEIGHBORS HELPING NEIGHBORS

Working with neighbors can save lives and property. Meet with your neighbors to plan how the neighborhood could work together after a disaster until help arrives. If you're a member of a neighborhood organization, such as a home association or crime watch group, introduce disaster preparedness as a new activity. Know your neighbors' special skills (e.g., medical, technical) and consider how you could help neighbors who have special needs, such as disabled and elderly persons. Make plans for child care in case parents can't get home.

HOME HAZARD HUNT

During a disaster, ordinary objects in your home can cause injury or damage. Anything that can move, fall, break or cause a fire is a home hazard. For example, a hot water heater or a bookshelf can fall. Inspect your home at least once a year and fix potential hazards.

Contact your local fire department to learn about home fire hazards.

EVACUATION

Evacuate immediately if told to do so:

- Listen to your battery-powered radio and follow the instructions of local emergency officials.
- Wear protective clothing and sturdy shoes.
- Take your Disaster Supplies Kit.
- Lock your home.
- Use travel routes specified by local authorities — don't use shortcuts because certain areas may be impassable or dangerous.

If you're sure you have time:

- Shut off water, gas and electricity before leaving, if instructed to do so.
- Post a note telling others when you left and where you are going.
- Make arrangements for your pets.

If disaster strikes

Remain calm and patient. Put your plan into action.

Check for injuries

Give first aid and get help for seriously injured people.

Listen to your battery powered radio for news and instructions

Evacuate, if advised to do so. Wear protective clothing and sturdy shoes.

Check for damage in your home. . .

- Use flashlights — do not light matches or turn on electrical switches, if you suspect damage.
- Check for fires, fire hazards and other household hazards.
- Sniff for gas leaks, starting at the water heater. If you smell gas or suspect a leak, turn off the main gas valve, open windows, and get everyone outside quickly.
- Shut off any other damaged utilities.
- Clean up spilled medicines, bleaches, gasoline and other flammable liquids immediately.

Remember to. . .

- Confine or secure your pets.
- Call your family contact — do not use the telephone again unless it is a life-threatening emergency.
- Check on your neighbors, especially elderly or disabled persons.
- Make sure you have an adequate water supply in case service is cut off.
- Stay away from downed power lines.

The Federal Emergency Management Agency's Family Protection Program and the American Red Cross Disaster Education Program are nationwide efforts to help citizens prepare for disasters of all types. For more information, please contact your local emergency management or civil defense office, and your local American Red Cross chapter. Start planning now.

Request free family protection publications by writing to: FEMA, P.O. Box 70274, Washington, D.C. 20024.

Ask for: *Are You Ready?*, *Your Family Disaster Supplies Kit* and *Emergency Food and Water Supplies*.

This information
has been provided to you
by the

Wayland Police Department

www.waylandpolice.com

For more information on the Wayland Local Emergency Planning Committee, please go to http://members.aol.com/melagm/lepchome.html

TOWN OF WAYLAND
Board of Selectmen
41 Cochituate Road
Wayland MA 01778
www.wayland.ma.us

PRST STD
U.S. Postage
PAID
Permit No. 16
Wayland, MA

POSTAL PATRON
WAYLAND MA 01778